

Pages: 1-133

JOINT MEETING OF THE
ATLANTIC HIGHLY MIGRATORY SPECIES
AND BILL FISH ADVISORY PANELS

JOINT MEETING

April 1-3, 2002

at

Holiday Inn
Silver Springs, Maryland

(Evening session)

TUESDAY, APRIL 2, 2002

INDEX

TOPIC	PAGE
BLUEFIN TUNA ISSUES - Continued	
General Category	
Christopher Rogers (Moderator)	3
Purse Seine	
Richard Ruais	124

BLUEFIN TUNA ISSUES - Continued

MODERATOR CHRISTOPHER ROGERS: What I'd like to do is take a half an hour for the panel to discuss the general category. We will cut it off at half an hour to allow some of the members of the public who have traveled to the meeting to speak on the issue. Then after the public members have spoken, we can again take up discussion with the panel. And of course the panel can continue on tomorrow, if necessary, to discuss bluefin tuna issues -- if we don't finish all the categories this evening.

Should we set a cutoff time? Or just take it as it goes? 10 o'clock? 9 o'clock?

UNIDENTIFIED: I'd be happy to propose a --

MODERATOR CHRISTOPHER ROGERS: Russ Nelson, you have a proposal for us in terms of a cutoff time?

RUSSELL NELSON: No, I have a suggestion for getting started. You all can decide the cutoff time.

MODERATOR CHRISTOPHER ROGERS: Okay.

RUSSELL NELSON: I'm going to retain

1 the opportunity to decide my own cutoff time.

2 MODERATOR CHRISTOPHER ROGERS: Okay.

3 UNIDENTIFIED: Well, I will then
4 suggest a 10 o'clock cutoff time and we'll resume
5 tomorrow.

6 MODERATOR CHRISTOPHER ROGERS: Okay.
7 So, we won't go past 10 o'clock. So, again the plan
8 would be for the panel members to discuss bluefin
9 tuna general category issues and -- for half an
10 hour. Then we'll take public comment and then the
11 panel can resume their discussion.

12 So, with that, who would like to have
13 the floor? Russ and then Rich.

14 RUSSELL NELSON: Well, I'd defer to
15 whatever Rich has got to say, of course, but I would
16 like to suggest just for my own edification on this
17 issue, I think it would be helpful if we could ask
18 my friends from North Carolina to lay out some of
19 the issues that they're interested in, sort of set
20 the stage for what we're going to be talking about,
21 what the public might have to say.

22 MODERATOR CHRISTOPHER ROGERS: Okay.
23 Again, we've had a review from Pat on the operation
24 of the general category from last season, and

1 obviously there's always concerns with how we manage
2 the fishery throughout its range, the effort control
3 schedule, the monthly quotas and things like that.
4 So, with that, we'll let North Carolina have the
5 floor.

6 PRESTON PATE: Thank you, Chris, and
7 I'm grateful for the opportunity to come here
8 tonight and discuss with the panel an issue of much
9 interest to North Carolina's fishery management
10 program and North Carolina's fishermen. Since I'm
11 not a regular attendee at these meetings, there may
12 be some around the table that do not know who I am,
13 and I'll introduce myself. I'm Preston Pate. I'm
14 the Director of the North Carolina Division of
15 Marine Fisheries and an ex officio member of this
16 group.

17 There are a couple of people that I
18 would like to introduce before we get into the
19 substance of our presentation, and first ask Doctor
20 Louis Daniel, who's on my staff and the brains
21 behind this operation. I just drove him up here for
22 the purpose of getting him here and introducing him.

23 Also, Mr. Pete Manuel, who I think is
24 in the audience. Pete is the President of the

1 Winter Bluefin Tuna Association based out of
2 Morehead City. And Jerry Schill, who's the
3 Executive Director of the North Carolina Fisheries
4 Association. They also have with them some members
5 of their organizations which will be speaking to
6 this issue during the public comment period.

7 We're here to try and lay out for you
8 some ideas that we have about adjustments to the
9 management of the general category quota for bluefin
10 tuna such that North Carolina fishermen have an
11 improved opportunity for harvest and a more
12 predictable season on an annual basis.

13 North Carolina has been very
14 fortunate over the last couple of years to have
15 benefited from transfers from other categories into
16 the general category of quota during a time when the
17 bluefin tuna were still off of our coast, and during
18 the time when the fish were bringing the highest
19 market value.

20 And it's become obvious to our
21 fishermen that this is a tremendous economic asset
22 that can help them during times when other fishing
23 opportunities have been foreclosed for various
24 reasons. And I've heard several comments about that

1 made over the last day and a half, and how these
2 closures are affecting flexibility and affecting the
3 health of our commercial industry.

4 We feel like that we have some good
5 information to share with you tonight and some logic
6 behind the request that you're going to -- that
7 we're going to make and look forward to talking to
8 this group and individuals about it in more detail.

9 So, with that as a matter of
10 introduction, I'd like to turn to Louis Daniel now
11 and have him present some more details.

12 LOUIS DANIEL: Thank you, Pres.
13 Thank you, Mr. Chairman. I thought the South
14 Atlantic snapper/grouper plan was complicated.
15 After talking to a lot of the folks around the
16 table, as well as in the audience, as well as folks
17 that aren't here, I came to a realization that there
18 is a lot of misunderstanding about the North
19 Carolina fishery. And the intent of my two-page
20 discussion is really just to present you with what
21 we feel are the facts of this case, and what the
22 issues are in North Carolina.

23 And I'd like to start with just
24 reading you a little quote. Bluefin tuna appear off

1 Cape Hatteras in midwinter and apparently remain
2 through April. This fishery is just being explored.
3 Present indications based on fish deliberately
4 hunted down, baited and boated, are that the bluefin
5 tuna do pass through Gulf Stream waters off Hatteras
6 in large numbers, and that this fish, like the
7 marlin, will become a major North Carolina big game
8 species. End quote.

9 These statements appeared in a
10 publication distributed by the North Carolina
11 Department of Conservation and Development in 1966.
12 In the same publication, a list of North Carolina
13 saltwater fishing records lists a 491-pound bluefin
14 landed off Hatteras by a fellow named Dick
15 Derbyshire in 1963.

16 During the 1950's, 1960's and 1970's,
17 bluefin tuna were regularly sampled from federal
18 longline surveys conducted off the Carolinas and
19 Southern Virginia. Opportunistic commercial
20 sampling and logbook records indicate that bluefin
21 landings in North Carolina in the 1960's and the
22 1970's. Bluefin tuna landings data are available
23 from NMFS for the period 1964 to 1966, and from the
24 North Carolina Statistics Program from 1979 to the

1 present.

2 The occurrence of bluefin tuna off
3 the coast of North Carolina is not a new event, nor
4 is the fishery, particularly as the term fishery is
5 defined in the Magnuson-Stevens amendment.

6 The U.S. bluefin tuna fishery appears
7 to have peaked in the early '70s at around 11,
8 12,000 metric tons, at which point the landings
9 began to drop off. Much of the fishery during that
10 time period was directed towards the smaller fish
11 taken in the purse seines as far south as North
12 Carolina, where we do have indications that there
13 was a purse seine fishery off of North Carolina
14 during that time period. And in 1981 ICCAT --
15 you've heard the history -- indicated a concern for
16 the stock and a quota was implemented in '82, and
17 landings have remained, you know, relatively stable
18 since that time. But it was not really until the
19 late '70s, early '80s, that a lucrative market
20 developed for the large fish, primarily those taken
21 by harpoons and longline gear for export to Japan.
22 And from this history, it appears that the entire
23 east coast fishery is relatively recent when
24 compared to many of our other east coast fisheries,

1 particularly the commercial hook and line fishery.

2 Fishermen off North Carolina have not
3 developed a bluefin tuna fishery for several
4 reasons. Restrictions that prohibited sale and the
5 lack of market conditions certainly played a
6 significant role. But additionally, and probably
7 most -- of the more important factors, is that other
8 species were available to South Atlantic fishermen
9 that were more abundant and more valuable than the
10 large and difficult to handle bluefins.

11 This is precisely the reason that
12 North Carolina and more southern interests did not
13 pursue bluefin tuna allocations during the initial
14 quota discussions. However, as numerous commercial
15 fisheries, long the mainstay of our fishery, become
16 or became increasingly restrictive, weakfish,
17 bluefish, summer flounder, striped bass, river
18 herring, monkfish, dogfish, snapper/grouper,
19 dolphin, etcetera, the need to be able to diversify
20 into other fisheries is and was critical.

21 While the value of the fish is
22 certainly an incentive, the abundance of bluefin
23 tuna off North Carolina during winter, and the ease
24 and safety in which they can be taken, necessitates

1 a seasonal allocation for permitted fishermen who
2 choose to capitalize on the fishery off North
3 Carolina.

4 One of the goals and objectives of
5 the HMS plan is to manage the U.S. bluefin tuna
6 allocation for optimum yield. North Carolina
7 submits that an adjustment to the October to
8 December subquota that would allocate 90 metric tons
9 of bluefin tuna to the December subquota would go a
10 long way towards achieving those goals.

11 Based on information gathered from
12 NMFS, the average ex vessel price of bluefin tuna at
13 42 landing ports, suggests that the value of bluefin
14 in yield per kilogram, which varies and fluctuates,
15 is greatest during the winter and early spring, when
16 the U.S. is preempted from selling fish. Average
17 price per kilogram is two to three times greater
18 from December through April than from June through
19 November, apparently as a result of market demand
20 and fish quality in terms of the higher fat content.

21 Some of the most valuable bluefin
22 tuna that I was able to find that were sold, sold
23 during December based on these data compilations --
24 and one example that I found were three fish that

1 sold out of New York on February the 4th, '99 for an
2 average price of \$40 per pound, versus the average
3 fish sold in September/October, averaging around \$13
4 a pound. So, having at least some fish available
5 for U.S. fishermen during the most lucrative market
6 season optimizes the use of this valuable resource.

7 A concern expressed by this group in
8 the past has centered around the moratorium on
9 licenses in North Carolina that would permit
10 fishermen to land in our state. We now have through
11 our Fisheries Reform Act, we now have a license to
12 land and sell, that is available to any non-
13 resident, and allows that licensee to land bluefin
14 tuna taken in the EEZ off North Carolina. This
15 resolves that problem in our opinion.

16 We would further submit that the
17 economic incentive to fish off North Carolina is
18 very high, as a result of lower dockage fees,
19 lodging costs, etcetera, compared with ports further
20 north. The run to the fish is also greatly reduced
21 from other locations, with fish regularly occurring
22 within three to five, six miles off the beach,
23 minimizing fuel costs and allowing fishermen to pick
24 their days to avoid questionable weather conditions.

1 The intent of our proposal is to be
2 as inclusive as possible and provide what we believe
3 are lucrative opportunities for any general or
4 charter head boat category permit holder. During
5 the past two years, when the small amounts of fish
6 were left over from the northern fishery, we had
7 vessels from New Jersey, Virginia, Florida, and
8 South Carolina fishing alongside North Carolina
9 vessels.

10 The seasonal adjustments and the
11 seasonal adjustment bulletins that are submitted by
12 the National Marine Fisheries Service indicate that
13 the intent of the adjustments is to quote, allow for
14 maximum utilization of the general category
15 subquotas, to collect a broad range of data for
16 stock monitoring purposes, to help achieve optimum
17 yield in the bluefin tuna fishery.

18 While those statements are certainly
19 consistent with the FMP, the current management
20 practices and allocations are not. And you know, I
21 know you've all read the things, but I mean one of
22 the primary statements made throughout the SAFE
23 Report, throughout the fishery management plan,
24 multiple times in each document, is it is important

1 to keep the fisheries categories that collect CPUE
2 information, i.e. the angling and general
3 categories, open over as long a time period and as
4 large a geographic area as possible, because CPUE
5 can be influenced by many short-term and local
6 factors.

7 Maximum utilization and optimum yield
8 is more closely achieved through a December
9 subquota. Thanks.

10 MODERATOR CHRISTOPHER ROGERS: Thank
11 you. Of course we have over the past several years
12 -- I guess it was about 1995 where we embarked on
13 this new management regime with respect to subquotas
14 by period and even restricted days to achieve
15 exactly those ends, was basically spreading out the
16 fishery, not only for maximizing fishing
17 opportunities throughout the migratory range of the
18 species, but also to assist the stock assessment
19 with respect to CPUE data collected over a broader
20 time period and over a broader geographic range.
21 So, thanks for that presentation.

22 UNIDENTIFIED: (Inaudible.)

23 MODERATOR CHRISTOPHER ROGERS: If you
24 have a copy that you could provide us for the record

1 of the meeting. Sometimes the verbatim transcripts
2 don't convey the exact sense, depending on how well
3 the tapes can be heard by the transcriber. So,
4 anytime that you have a written record, it's always
5 best to include that.

6 So, at this point we'll again
7 entertain comments from the panel for about another
8 15 minutes and then we'll open it up to public
9 comment. After public comment has been received,
10 then we'll again take up panel members' discussion.
11 Rich Ruais, Peter Weiss.

12 RICHARD RUAIS: Yeah, okay. So we're
13 going to get back to the North Carolina issue in
14 just a little bit and continue with what we were
15 working on before? Comments on the effort controls,
16 etcetera, etcetera, for the general category?

17 MODERATOR CHRISTOPHER ROGERS: Well,
18 again, this is part of the same picture per se,
19 insofar as the -- what we normally would do around
20 this time of year is issue a proposed specification
21 that would indicate the restricted days and the
22 monthly quotas and other aspects of general category
23 management.

24 RICHARD RUAIS: Okay, all right.

1 Well, before I talk about the few issues that we
2 have about the season this year, I did want to tell
3 Mau that I did find the rebuilding plan and what I
4 relayed to you earlier was correct, for everybody to
5 know. The provision that's in the rebuilding plan,
6 1998, which supersedes any of the prior
7 recommendations, it's Number 16 and it says there
8 shall be no directed fishery on the bluefin tuna
9 spawning stocks in the western Atlantic in spawning
10 areas such as the Gulf of Mexico.

11 So, it actually takes care of both of
12 the concerns you had. There's no numerical
13 reference to what's a directed fishery or not. And
14 it's not simply limited to the Gulf of Mexico. If
15 we find other spawning areas, we'll be able to take
16 similar action. So, I hope that addresses that
17 concern.

18 MAUMUS CLAVERIE: But that no
19 directed fishery is the same language as in the
20 older one, isn't it?

21 RICHARD RUAIS: Yeah, but this is --
22 there are 17 measures now in the bluefin rebuilding
23 plan. In the compendium of documents -- I wish Kim
24 was here right now, but in the compendium of

1 documents that ICCAT puts out on what are the
2 current prevailing international agreements related
3 to bluefin, this 17 point rebuilding program is the
4 controlling package for western Atlantic bluefin
5 tuna right now.

6 There's a whole host of other types
7 of temporary measures and agreements that we've had
8 in the past in 1991, 1992, that made various changes
9 to sharing arrangements. When you do a new one, as
10 we did with the rebuilding plan, it supersedes the
11 old package. Is that enough on that point or you
12 still have a problem?

13 MAUMUS CLAVERIE: Well, I don't have
14 a problem.

15 RICHARD RUAIS: Oh, okay.

16 MAUMUS CLAVERIE: The old rule was no
17 directed fishery in the Gulf spawning ground and the
18 new rule contains the same language.

19 RICHARD RUAIS: With the exception
20 that there is -- you had some notion that there was
21 a definition of what a directed fishery was and that
22 anything more than one fish was not -- could be
23 considered a directed fishery and therefore we would
24 be in violation of some kind of an ICCAT agreement.

1 And what I'm saying is it's not there from --
2 because of the current program, if it ever was.

3 MAUMUS CLAVERIE: My concern was
4 misunderstood. NMFS defined what a directed or what
5 a nondirected fishery was. Originally, the
6 definition was only two fish can be brought back to
7 the dock per trip, then it went down to one fish,
8 then it said one fish with --

9 RICHARD RUAIS: I got it, I got it.

10 MAUMUS CLAVERIE: -- a bunch of other
11 stuff aboard. And now they're talking about going
12 back up to two fish. It's not an ICCAT thing. It's
13 ICCAT criteria of no directed fishery. So, Glenn
14 can define directed any way he wants.

15 RICHARD RUAIS: Okay. No, but that
16 was the -- then the misinterpretation was that you
17 were thinking that there was some kind of ICCAT
18 restriction that we had to be careful for, and what
19 it really possibly amounts to is an interpretation
20 that NMFS had put out in some prior year.

21 UNIDENTIFIED: (Inaudible.)

22 RICHARD RUAIS: Right, correct,
23 correct. Okay. On the general category, one of the
24 things that we're very concerned about, as Chris

1 mentioned earlier, is there's clearly been a shift
2 in the fishery in the early season. It used to be
3 that in the month of June and July, and the reason
4 why there's 360 some odd tons in the first quota
5 period June through August, is that that was when --
6 where the bulk of the general category catch was
7 landed.

8 What we've seen since at least 1995
9 is a shift in the other direction. Most of the
10 fishermen think it's related to intense herring pair
11 trawling activity that reduces the forage base
12 inside the Gulf of Maine, and consequently the
13 bluefin come in -- it appears they come in for a
14 short period of time, Maine fishermen get some fish
15 and northern Massachusetts, New Hampshire fishermen,
16 as well, and then the bluefin don't stick around.
17 They take off looking for food.

18 The result of that is the last three
19 years, at least, we have rolled over in some cases
20 more than 50 percent of the first subperiod quota,
21 which is -- for those of you who don't know, the
22 quota is broken down 60/30/10. June through August
23 is 60, September is 30 and October is 10, if I got
24 that right. And now what we're seeing is that Maine

1 is essentially out of the fishery. The last few
2 years we started off with minimal restrictions on
3 the general category and yet we still haven't been
4 able to achieve any significant catch in the early
5 part of the season.

6 So, what we're proposing is that you
7 go the next step and start the season off in June
8 with two a day, so that we can have an opportunity
9 to try to catch some more of that first subperiod
10 quota.

11 If you're familiar with the
12 regulations, you know that NMFS has the authority to
13 put rules in quite rapidly. They can add days off.
14 They can reduce back to one fish a day. They can do
15 anything they -- they can do any of those options
16 from one fish to three fish and get the days in
17 pretty quickly.

18 So, what we want to see is two a day
19 to start a general category season off. No days
20 off, except for around the holiday, as we've done
21 the last couple of years. And for September and
22 October, we want to see the same thing. What we
23 think we should be doing is starting off with
24 maximum flexibility and then using your regulatory

1 authority to make sure that we stay within the
2 subperiod quotas. So, that's what we have for the
3 general category right now.

4 UNIDENTIFIED: Just to reiterate what
5 Louis has... did a very good job of explaining, I'm
6 going to speak a little bit from the fishermen's
7 point of view. I mean, we've got hardworking,
8 taxpaying U.S. citizens, fishermen, in North
9 Carolina -- and not only North Carolina. We have a
10 lot of boats there in the wintertime from Virginia
11 and South Carolina, Florida, I'd say the whole
12 southern region, that have participated in all the
13 fisheries through the years. The dolphin wahoo,
14 striped bass, dogfish, flounder, king mackerel, all
15 of these fisheries. And at certain times we've had
16 to take cuts. We've had to quit fishing entirely
17 for a lot of these species so they could rebuild.
18 But we have participated in the management process
19 and I feel like in this particular fishery, the
20 bluefin fishery, that we've never had an opportunity
21 to participate in it.

22 Now, the last two years, for whatever
23 reasons, there was some quota left over due to
24 transfers and other reasons, and we thank you for

1 that. It made a lot of guys Christmas's down there
2 last year and year before last, because it's been
3 pretty tough times due to closures and due to
4 different things.

5 But this little bit of the pie has
6 meant a lot to these guys, and I guess this last
7 year we really -- we got a little bit, but we really
8 thought we were very surprised when it went to two
9 fish a day and then the restricted fishing days were
10 gone, but these guys feel like that we deserve a
11 piece of the pie. And I know the history and I know
12 the pie was this big and now it's been reduced and
13 everybody's got a spoon ready to dig in.

14 But we feel like in this particular
15 case that we are certainly entitled and I hope you
16 can find a way somehow or another to get us some
17 allocation down there so these guys can start
18 participating and know that they're going to
19 participate, not kind of waiting for a last minute
20 handout, you know, if we -- it's a lot easier to
21 plan, and these guys are planning, get their
22 equipment ready if they know they can be assured of
23 some type of set fish. Thank you.

24 UNIDENTIFIED: Thank you, Mr.

1 Chairman. Several things. The first point I'd like
2 to make is that I'm here as a representative of the
3 South Atlantic Council and the South Atlantic
4 Council sent a letter to Doctor Hogarth on March the
5 13th and they supported this allocation for this
6 subregion quota for December, because we have boats
7 landing in North Carolina from Florida. We have
8 boats landing from Virginia. We have boats landing
9 from North Carolina and from South Carolina. And so
10 it's considered to be, from the Council standpoint,
11 this is an extremely important issue. So, I'd like
12 to make sure that that letter is on record for this
13 meeting.

14 The second point I'd like to make is
15 that when I read the SAFE Report and on page 10-8
16 where it talks about a new fishery, that really
17 concerned me because number one, I could not find
18 the definition of a new fishery in the Magnuson Act.
19 I don't believe it's there. I think that's an
20 inappropriate term to use in trying to define this
21 fishery. And it's certainly not new in North
22 Carolina, as Doctor Daniels pointed out, the
23 landings that we've had and the history that we've
24 had.

1 And Chris, I'd like to just, if I
2 could, just read a couple things. This is a
3 memorandum for record of a meeting that you
4 conducted in Kill Devil Hills. And Will Etheridge
5 was there, Rom Whitaker was there, myself was there,
6 a number of other people were there. And the date
7 of that meeting was May the 1st and it was in 1997,
8 and it was having to do with the bluefin tuna ruling
9 at that time. Okay?

10 It's a page and a half long, and I
11 wrote it the night I got back from the meeting, but
12 the sentence I wanted to read to you for the
13 committee is that the fish are in North Carolina
14 now. We should be allowed to catch our fair share
15 of the quota given to us by the -- to the U.S. by
16 ICCAT. Something must be done to ensure that the
17 North Carolina anglers and our commercial fishermen
18 can participate in this fishery. There were other
19 comments made with regards to that, but to me that
20 was just a critical issue.

21 Another paragraph in here says that
22 we've been bringing these issues to your attention
23 for the last three or four years and nothing has
24 been taken. If you back that up, that goes from '97

1 back to like '93 or '94.

2 Another point I'd like to make, and I
3 don't think that Doctor Daniels had it in his
4 statement, but we've had a very, very strong
5 recreational fishery in North Carolina that goes all
6 the way back to '66. But in particular in the new
7 era, so to speak, since 1993. And it's very
8 important to our economy there.

9 And also I'd like to point out that
10 we didn't get an allocation in this fishery until
11 1982, before the first quota was even set. So, to
12 classify in the SAFE report, to use the term new
13 fishery, I just feel is unfair and inappropriate to
14 our region and to what we're asking for. Thank you.

15 UNIDENTIFIED: I'm not going to talk
16 about the North Carolina issue right now, because I
17 guess we're going to wait for that. I just want to
18 address some of Rich's points regarding this effort
19 control quickly.

20 Last year was the best year we've
21 ever had as far as control of the tuna fishery was
22 concerned in New England -- or in the northeast.
23 Brad and Pat did a terrific job of working with the
24 fishermen, and I think Rich will agree or anybody

1 will agree who fished up there, that we had the
2 least amount of problems, we were the most in
3 control.

4 We started this season off with a
5 bunch of rules that we were able to change. It was
6 one fish a day. I believe we had a few days off,
7 not too many. We ended up having almost no days
8 off. I think the only days off were the Japanese
9 holidays, if I'm correct. And when the time came,
10 we all shifted to two fish a day and everybody was
11 happy.

12 I just find it's easier to have the
13 rules in place to keep the fishery under control and
14 then with Pat and Brad working with us, to shift
15 very quickly into another mode when it's time to
16 shift.

17 Fishing is a funny business. I
18 remember when we caught this quota in August. Now,
19 that was a few years ago, but we did catch it in
20 August. Maybe Rich is right. Maybe the herring
21 thing has messed up this fishery completely. But
22 I'm not disagreeing with two fish a day or whatever,
23 but we don't want to start off with two fish a day.
24 We want to start off with one fish a day, and if

1 need be, we'll switch to two fish. You know, we all
2 agree to it. And I think if Pat and Brad, their
3 philosophy pretty much is if the organizations and
4 the fishermen want something and it's within the
5 realm of NMFS to do it, they'll do it. They did it
6 last year. They can do it this year. And hopefully
7 they'll do it ongoing. So, that's as far as that
8 issue is concerned.

9 RICHARD RUAIS: Well, I'm very
10 sensitive to the comments that Rom makes, Wayne
11 makes, Louis makes, and everyone else that I've met
12 from North Carolina. Sensitive enough that I went
13 down there to specifically talk with them and I
14 think I've tried to show where there are some
15 alternatives where we can work this thing together
16 and try to get someplace positive -- in a positive
17 fashion as opposed to any kind of a fight.

18 But I do have to ask that there's
19 also appreciation for where we've been in this
20 fishery. This is the year 2002 and it's basically
21 20 years now since we the historical fishery has
22 been living with a 65 percent reduction.

23 And that causes a lot of pain. It
24 causes a lot of economic disruption. There aren't a

1 lot of alternatives in New England right now. If
2 you're familiar with the groundfish fisheries and
3 some of the other fisheries up there, they don't
4 have other alternatives. And the limited fishery
5 that we've got in the bluefin fishery is a great
6 relief.

7 Prior to the 65 percent reduction,
8 harpooners in the northeast were catching several
9 hundred tons of fish a year. They went down first
10 quota to 130, they're now down to 54 tons. That's
11 the entire quota. Prior to 1982, rod and reel
12 fishermen were catching several -- more than 1,000
13 tons a year in several years, and quite a few more
14 than a 1,000 tons in several years. First
15 restrictions coming on brought that category down to
16 the 600, 700 ton range, as well. They've been
17 living with that 65 percent reduction.

18 The purse seine fleet used to catch
19 thousands of metric tons of bluefin tuna. They went
20 down to 386 tons, 301, 250, still suffering under
21 the burden of regulation.

22 It's hard for me to think of a
23 rationale to take back to them and say we know
24 you've been conserving under this quota to rebuild

1 this resource and it's pretty clear that it's having
2 a positive effect, despite the fact that it's a
3 grossly inequitable program on the international
4 scale. But now you're going to have to give
5 something up to -- because the resource is expanding
6 its range here, clearly in the western Atlantic, and
7 there's more and more fish, you're going to have to
8 give up more to make room for another protected
9 subquota fishery.

10 And I struggle to come up with what
11 justification I can give for those fishermen who
12 also are under a burden for the plan. So, if you
13 can help me with that, then that would make my life
14 a lot easier.

15 I'd also dispute that North Carolina
16 is not in this fishery. Right now you've been --
17 it's a coastwide general category quota. If there's
18 quota leftover, as there has been for several years,
19 you're getting a shot at the fishery. Granted, it's
20 limited, not protected.

21 You've got an angling category
22 fishery right now. 45, 50 tons, whatever it happens
23 to be. It's a start. The other -- if you look at
24 other two major regions, the Mid-Atlantic and New

1 England, you'll see that predominantly you have
2 either a commercial fishery or an angling category
3 fishery.

4 We don't have substantial
5 recreational activity in New England in the bluefin
6 tuna fishery. Conscious decision on the part of the
7 agency. In the Mid-Atlantic, it's primarily an
8 angling category fishery, not a heck of a lot of
9 general category sales.

10 In North Carolina what's being asked
11 for is to have both a commercial and a recreational
12 fishery. That's fine, and hopefully we're going to
13 get there someday. But you might look seriously at
14 some of the alternatives that I've presented to you
15 as a way to get there sooner -- as soon as can be
16 possible, recognizing that everything that happens
17 in bluefin takes a long time, whether it's a
18 rebuilding plan or whether it's getting into the
19 fishery, changes to the fishery.

20 And in terms of volume of quota -- I
21 know you've all heard me say this -- we don't jump
22 around with large numbers like 90 tons and 150 tons.
23 We talk more in pounds and a few tons here or there,
24 and that's just the reality of living under this two

1 stock hypotheses that we hope we can get out from
2 under sooner rather than later.

3 MODERATOR CHRISTOPHER ROGERS:

4 Thanks, Rich. Recognizing that several members of
5 the public have come to the meeting specifically
6 because we had scheduled the public comment period
7 for this evening, we'll take those individuals that
8 had indicated they wished to speak.

9 I don't know. Is John Dorland coming
10 back, does anyone know? Maybe if Ellen and Bob
11 don't mind, the members of the public who wish to
12 speak can use that mike right there. And that way
13 we can all hear you. Pete Manuel.

14 PETE MANUEL: I want to thank you all
15 for having us up here. And thank Rich for coming to
16 see us the 27th. Really appreciate your time. And
17 you know, basically the Magnuson-Stevens Act is the
18 same thing as the constitution to the American
19 people, except this addresses fisheries.

20 We sympathize with you all's position
21 of being regulated by ICCAT, but we also feel that
22 we are not being treated fair or equitable for
23 Standard 4, and we also understand that we need to
24 join forces with you and our politicians to go to

1 ICCAT to help -- we're all U.S. citizens. We should
2 not be fighting amongst ourselves.

3 We feel like there's enough quota
4 there that 90 metric tons is not an unreasonable
5 request. For us to spend our funds and our effort
6 with our politicians to help you, we've got to have
7 something in return. And I mean, we've got people
8 that sink net for a living, that got to catch
9 100,000 -- crokers, 100,000 pounds of crokers at a
10 nickel a pound for five grand. Two of these fish
11 make their winter. And I don't think that's asking
12 anything unreasonable if we're going to work with
13 you all.

14 And as far as having a recreational
15 fishery and a commercial fishery, NMS set it up that
16 way. If North Carolina wants to have a recreational
17 fishery, general category fishery, the categories
18 are there. You can't tell North Carolina or the
19 southern region that we can't have both. I mean,
20 it's like you can't have, you know, ice cream with
21 your apple pie. I mean, it sounds good, but it's
22 not reality.

23 You know, and I feel like that all
24 these people that gave up their day for two days are

1 going to lose two days of fishing. All these guys
2 are commercial or charter boats that come a long way
3 up here to speak their peace, and 90 metric tons of
4 general category is not unreasonable. The way I
5 look at it, if you took each category across the
6 board and took six percent out of it, no one person
7 gets hurt. And in turn, you get our support and our
8 funds to help fight with ICCAT. And after this, I
9 really just don't know how else to be any more
10 reasonable.

11 And I met with Rich and I really
12 sympathize with the millions of dollars that you all
13 have spent over the years fighting with ICCAT and
14 with scientists to do what you're doing. But the
15 Magnuson-Stevens Act, Standard 4, the way I see it,
16 gives us an opportunity to have a small piece of
17 this pie.

18 We're not asking for half. We're not
19 asking for an opportunity to make up the lost
20 revenues that we lost the last several years by
21 being regulated out of it. And asking for two fish
22 in the beginning of the season without giving us a
23 subquota is Russian roulette. I mean, there's no
24 guarantees.

1 If we had a subquota for December,
2 you'd catch ten fish a day. It wouldn't make any
3 difference to us if that's what you all decided to
4 do, because that's what it was right thing to do.
5 But start off with two fish a day is just a means to
6 regulate North Carolina out of the fishery again
7 without an opportunity to have any fish. And I'm
8 going to turn it over to someone else. Thank you.

9 MODERATOR CHRISTOPHER ROGERS: Ken
10 Kramer.

11 KEN KRAMER: Hello. I've been a
12 commercial and charter boat operator in North
13 Carolina for 30 years. Needless to say, this is not
14 something I do very often.

15 There are a lot of people that would
16 have liked to have attended this meeting today to do
17 the same thing I'm doing, which is to present a case
18 for a fishery, North Carolina and the southeast
19 region. Unfortunately, the weather was real good at
20 home today and most of them are in the ocean. The
21 ones that aren't in the ocean are in the boat yard
22 trying to get their equipment together so they can
23 go make a little money this spring.

24 Another limiting factor in our

1 attendance is the fact that this meeting was only
2 scheduled seven days ago, which I'd like that to be
3 entered into the record.

4 We've repeatedly requested an agenda
5 for this meeting. When we got an initial agenda
6 there was no public comment hearing on the agenda.
7 At the request of our politicians from North
8 Carolina, this public comment period was added to
9 the agenda. And please correct me if I'm wrong on
10 these statements, but I believe I'm correct.

11 MODERATOR CHRISTOPHER ROGERS: Well,
12 just for the record, we had scheduled the meeting
13 earlier than that. We were working on again a draft
14 agenda. It's always been our intent to work with
15 the panel to identify priority issues. So, we
16 didn't want to predefine the agenda. That is a
17 continuing topic of discussion, evidently, with
18 respect to how we conduct the panel's business.

19 We tried to circulate something as
20 soon as we could. The meeting is always open to the
21 public, by definition, by requirement, and we
22 normally try to schedule several defined periods of
23 public hearing, public comment, throughout the
24 meetings. I don't know that that should have been a

1 surprise to anybody.

2 I'm not exactly familiar with what
3 was being circulated in North Carolina. I know we
4 tried to get the word out as soon as possible, when
5 we could schedule the meeting.

6 Certainly we tried to check with the
7 panel members first as to their availability. But I
8 do understand there was some confusion and we'll do
9 a better job next year of getting things set up with
10 more advanced notice. And it's guaranteed that
11 there will be public comment periods throughout the
12 meeting.

13 KEN KRAMER: Okay. Well, maybe I
14 misunderstand circumstances of that. The other
15 point is that these very same people who aren't here
16 tonight can't afford to take two days off to come
17 here to petition for something that we believe is
18 rightfully ours to begin with.

19 In the southeast states, we have
20 bluefin tuna available from late November through
21 March. As a matter of fact, the yellowfin fishery
22 started in North Carolina waters and bluefin have
23 become quite a nuisance down there in the last two
24 weeks. Basically because of the gear differences,

1 if you get around the bluefins you're wiped out.
2 They're still there. There's lots of them. And I
3 don't know if this has any bearing on your stock
4 assessment, but it should.

5 These fish that are available during
6 this period are quality fish, they can be sold
7 during very favorable market conditions, and they're
8 accessible to participants in other small boat
9 fisheries that have been adversely affected recently
10 by management and availability conditions. And I
11 don't need to get into that. You're already
12 familiar with that.

13 So, basically we have people at home
14 that need to catch some of these fish. They need
15 the money. This will take pressure off other
16 stressed fisheries, which is a point that Mr. Lee
17 made from the Southeast Management Council
18 perspective.

19 I wasn't going to say a lot of stuff.
20 I was actually implored to be nice. Mr. Ruais, it's
21 not an agency decision that Massachusetts has a
22 commercial rather than recreational fishery. It's a
23 fishery decision based on the fact that the general
24 category is open and fish can be sold. Period.

1 It's not an agency decision. It's not an agency
2 decision that North Carolina participates in a
3 recreational fishery. It's a fact that the general
4 category is not open and fish can't be sold. If you
5 reverse those conditions, you'll find that we won't
6 be recreational fishing.

7 So, you have the same opportunity to
8 recreational fish that we do, Mr. Weiss. However,
9 your people choose not to do it. They go kill one
10 and bring it home and they sell it. In your
11 tournaments -- I saw a newsletter from one of your
12 tournaments that was either Hyannis or Nantucket,
13 where the winner killed two fish, giants, and
14 brought them to the dock and won the tournament with
15 two giants.

16 Well, obviously if he's recreational
17 fishing he can't keep a one -- one a year; is that
18 correct? And once again, I'm trying to be nice.
19 Rich, here's your justification to your membership.
20 And this is like preaching to the choir, but I want
21 this in the record. This is from the Magnuson-
22 Stevens Fishery Conservation and Management Act
23 Standard Number 4.

24 Conservation and management measures

1 shall not discriminate between residents of
2 different states. If it becomes necessary to
3 allocate assign fishing privileges among various
4 United States fishermen, such allocations shall be
5 fair and equitable to all such fishermen reasonably
6 calculated to promote conservation and carried out
7 in such a manner that no particular individual,
8 corporation or other entity acquires an excessive
9 share of such privileges. Thank you.

10 MODERATOR CHRISTOPHER ROGERS: Thank
11 you. Rich Blakeney.

12 RICHARD BLAKENEY: Good evening. I'm
13 Richard Blakeney. I'm a general category fishermen
14 from New Hampshire that harpoons and rod and reels
15 for bluefin tuna. I'm here speaking on behalf of
16 the Atlantic Commercial Fishermen's Alliance and our
17 Executive Director cannot be here tonight because of
18 other fisheries issues which he is working on right
19 now, so I'd like to read a statement written for him
20 on behalf of all of our members, if you'll bear with
21 me.

22 The Atlantic Commercial Fishermen's
23 Alliance is an organization of commercial fishermen
24 who in the Highly Migratory Species fisheries pursue

1 Atlantic bluefin tuna and North Atlantic swordfish
2 primarily by harpoon.

3 Our members participate in the
4 Atlantic bluefin tuna fishery in both harpoon and
5 general categories and in the North Atlantic
6 swordfish fishery and the limited access hand gear
7 category.

8 ACFA members land the overwhelming
9 majority of fish in both fisheries that are captured
10 by harpoon. The harpoon fishery is a clean size
11 selective fishery which unlike other gear types has
12 virtually no bycatch of either juveniles of the
13 target species or bycatch of non-target species. It
14 is a historical fishery deeply rooted in New England
15 tradition and recognized by National Marine
16 Fisheries via the creation of directed fisheries in
17 both the Atlantic bluefin tuna and swordfish
18 fisheries.

19 Nevertheless, as we expressed to this
20 panel last year, the harpoon fishery remains
21 unrepresented in this body. We are disappointed
22 that the Department of Commerce saw fit to turn down
23 our request for representation on this panel. We
24 believe that as representatives of the directed

1 harpoon fishery that we deserve a voice in the
2 formulation of policy which affects our fishery.
3 Because the Department of Commerce declined our
4 request for representation, National Marine
5 Fisheries is not receiving advice from harpoon
6 fishermen who most actively participate in these
7 directed commercial fisheries.

8 We reiterate here our request for
9 representation and will continue to seek nomination
10 to this panel. We sincerely hope that the
11 Department of Commerce will look favorably on our
12 request in the future.

13 Several issues have been raised in
14 the fishery since the last HMS AP meeting last year
15 and we are aware of requests to this panel from
16 other interested fishery participants. We would
17 like to address these issues here now and submit our
18 comments.

19 Regarding the harpoon category quota.
20 The base quota for the -- excuse me -- Atlantic
21 bluefin tuna harpoon category remains at 54 metric
22 ton, approximately 300 fish. This base quota was
23 raised last year by an in-season transfer to a total
24 of 90 metric ton, and we appreciate these efforts on

1 the part of NMFS. Nevertheless, the issue of the
2 harpoon category base quota remains to be addressed.

3 When the harpoon boat category was
4 created in 1981, National Marine Fisheries allocated
5 131 metric ton to this fishery. The following year,
6 after the ICCAT actions which cut by well over half
7 the U.S. quota, the harpoon category was
8 substantially reduced to 25 metric ton.

9 The following year, as ICCAT doubled
10 the overall quota, the harpoon boat category was set
11 at 45 -- excuse me, 54 metric ton level, where it
12 remains today. In the intervening 20 years, all
13 other Atlantic bluefin tuna hand gear categories
14 have been restored to historic levels. The general
15 category last year exceeded 900 metric ton. The
16 angling category has enjoyed substantial increases
17 in its base quota. Yet the harpoon category alone
18 amongst all hand gear categories has not seen
19 adjustments to its base quota as the overall U.S.
20 quota has recovered.

21 This failure has led to significant
22 disruptions in the fishery as a whole. Harpoon
23 fishermen have, due to the very small allocation, in
24 many cases been forced to buy a second vessel so

1 they can fish in both the harpoon and the general
2 categories. This has led to unfortunate and
3 counterproductive conflicts, as general category
4 participants have objected to harpoon captains and
5 their fish spotters moving into the general category
6 after a closure of the harpoon category.

7 The National Marine Fisheries can and
8 should address these matters. It has by its
9 inaction over decades largely created the present
10 conflict over the use of fish spotters. By failing
11 to provide an adequate opportunity for these
12 historic participants, some of them for over 30
13 years, to participate in a harpoon fishery which by
14 all rights should have participated in the
15 restoration of other hand gear fisheries to the
16 historic levels.

17 We call on National Marine Fisheries
18 to rectify this matter. We desire to work with
19 representatives of the fisheries who have been given
20 the privilege of representation on this panel to
21 affect an equitable restoration of the Atlantic
22 bluefin tuna harpoon category to its historical
23 share of 131 metric ton.

24 Regarding days off and effort

1 controls. The Atlantic bluefin tuna general
2 category has placed in system a days off designator
3 to ensure the catch rates when high -- catch rates
4 are high and are limited in order to ensure the
5 historic pattern of catches in New England waters.
6 This was the original purpose of the Atlantic
7 bluefin tuna and general category effort controls.

8 Instead, what involved was a
9 distortion of this purpose to limit effort for its
10 own sake largely to permit part-time participants
11 and maximize their participation in the fishery, to
12 the detriment of full-time commercial fishermen and
13 fish processors, to pay for full-time dockage, hire
14 help, etcetera, in what became a part-time fishery.
15 This situation should be reviewed. We suggest that
16 in the early part of the season, when Atlantic
17 bluefin tuna catch rates are low, usually June 1st
18 to July 15th, that the general category bag limit be
19 raised to two fish per day. And once catch rates
20 have accelerated the bag limit, they should revert
21 to one fish a day and then the catch rates exceed 15
22 to 20 metric ton per day, days off should be
23 implemented in order to preserve the traditional
24 pattern of catches in New England waters, much like

1 Rich talked about earlier.

2 Item 3, the early opening for the
3 purse seine vessels. We are aware that
4 representatives of the purse seine vessels in the
5 Atlantic bluefin tuna fishery may request an early
6 opening for their fishery. We object to this
7 request and urge the panel to recommend against its
8 implementation. In the Atlantic bluefin tuna
9 fishery, the purse seine vessels are capable and
10 indeed regularly do place hundreds of fish on the
11 markets at one time.

12 This has the annual effect of
13 depressing prices generally for the remainder of the
14 season. We see no basis for starting at an earlier
15 time than the annual ritual of the purse seine
16 vessels putting the prices for Atlantic bluefin tuna
17 in the basement.

18 Put another way -- I'm reading this,
19 so bear with me. This panel should recommend
20 against any change which would shorten the limited
21 period when catch rates are sufficiently low that
22 prices are generally high.

23 Purse seine vessels alone, among all
24 other Atlantic bluefin tuna participants, have

1 allocated to their vessels an individual quota.
2 They need not compete with other seiners for their
3 fish. Since they alone retain the right to continue
4 to use fish spotters, they already possess
5 considerable advantages over all other Atlantic
6 bluefin tuna fishery participants.

7 We do not suggest that these
8 advantages are inappropriate, especially given the
9 historic nature of these vessels, their crews and
10 the owners in the Atlantic bluefin fishery. On the
11 other hand, we see no reason to agree to allow these
12 advantages to disadvantage everyone else in the form
13 of longer periods of depressed prices.

14 One Atlantic bluefin tuna purse seine
15 crew was unable to fill its quota last year. That
16 quota was carried over to this year and the vessel
17 is under some pressure to land all its fish. The
18 reason this boat was unable to land its quota was a
19 combination of loss of a very skilled fish spotter,
20 who decided not to fly for them anymore because of
21 personal reasons, as well as an interruption in the
22 aircraft traffic from the tragic events of September
23 11th, 2001.

24 We do not believe the entire fishery

1 management regime should be changed to accommodate
2 the unusual circumstances. We do not favor any
3 changes in the purse seine season.

4 Number 4, regarding the North
5 Carolina quota. We believe that the request from
6 North Carolina for a share of the U.S. ICCAT
7 allocation of Atlantic bluefin tuna should be
8 honored. We do not, however, agree that this quota
9 should come from the general category. Instead, we
10 believe that all categories, general harpoon, purse
11 seine, incidental, longline and angling, should
12 participate in a small adjustment and in order to
13 allow fishermen from North Carolina to participate
14 in this fishery.

15 The root of U.S. Atlantic bluefin
16 tuna problems is at ICCAT. It is unsound policy and
17 fundamentally unfair for European nations who
18 continually overfish what science is telling us is
19 an oceanwide stock of fish, while U.S. fishermen
20 struggle to divvy up an unequitably small part of
21 the pie. Moreover, NMFS itself though unsound
22 policies originating out of the Southeast Fisheries
23 Center created this problem by advocating for its
24 genesis at ICCAT in the early 1980's.

1 United States must reconsider its
2 ICCAT policies. Unilateral fisheries conservation
3 efforts which were the policy of National Marine
4 Fisheries and which were advocated by conservation
5 groups and well-intentioned but misguided efforts to
6 show leadership have only worked to disadvantage
7 U.S. fishermen relative to their counterparts from
8 nations which stood up for the interests of their
9 citizens. This problem was created by the U.S. at
10 ICCAT and must be solved at ICCAT.

11 In the meantime, there is no good
12 reason to deny American citizens access to this
13 resource merely because they do not live in New
14 England. Indeed, we believe that it is in our
15 collective interest to bring to light in other
16 regions of the country the U.S. ICCAT policies which
17 have led to this state of affairs, where good
18 American citizens from New England feel that they
19 have to resist efforts by fellow Americans to gain
20 access to a public resource, and where fishermen
21 must arrive by the busload to seek a share.

22 We should accommodate this request,
23 not just because it is the right thing to do, but
24 because it is in our collective interest that the

1 citizens of North Carolina see firsthand the end
2 result of the misguided ICCAT policies which have
3 struggled New England -- excuse me, strangled New
4 England fishermen for over two decades.

5 The allocation should be borne by all
6 user groups equitably, however, and not just by the
7 general category, and further, New England fishermen
8 should have the same rights enjoyed by North
9 Carolina fishermen who come to New England every
10 summer to go the North Carolina and participate
11 there.

12 Provided that these conditions can be
13 met, we believe the fishermen to the south of New
14 England should be able -- been allowed to
15 participate in the Atlantic bluefin commercial hand
16 gear fishery.

17 And lastly, swordfish limited access
18 hand gear permits. The National Marine Fisheries
19 Service made available for a period of time limited
20 access hand gear, i.e. harpoon and rod and reel
21 swordfish permits. Unfortunately, since most
22 harpoon fishermen now participate in the bluefin
23 fishery and not in the swordfish fishery, many
24 fishermen who fish by harpoon were not aware that

1 such permits were available. As the result, many
2 fishermen with a history of substantial
3 participation in the harpoon fishery did not obtain
4 such permits.

5 We ask that National Marine Fisheries
6 consider reopening this category with specific
7 notice to all bluefin fishermen with a history of
8 harpoon landings, or that an alternative that such
9 fishermen be deemed automatically to be eligible for
10 such permits with renewal of a general or harpoon
11 category permits.

12 National Marine Fisheries took a
13 significant well-founded step when it created a
14 directed hand gear fishery for swordfish. Due to
15 the success of industry led ICCAT recovery plans,
16 swordfish are again reappearing on the grounds south
17 of Martha's Vineyard and the southern edge of
18 Georges Bank.

19 We would like to yet again see a
20 flourishing swordfish harpoon fishery in New England
21 and do not want to see NMFS efforts' in this region
22 flounder due to poorly advertised availability of
23 permits. Thank you for your opportunity to allow me
24 to comment. If you have any questions, you can ask

1 me now or see me now or I have copies of these out
2 front. I have some more copies available if you
3 didn't get one.

4 MODERATOR CHRISTOPHER ROGERS: Okay.
5 It looks like there's a number of folks who would
6 probably like to ask you some questions, but I'm
7 going to have to hold off on that and let's just get
8 a few more members of the public to speak, because
9 they --

10 UNIDENTIFIED: I'm here. Just ask.
11 I'll come back.

12 RICHARD BLAKENEY: I do want an
13 opportunity at some point to talk about the gross
14 inaccuracies and distortions in this letter with the
15 panel. The Advisory Panel needs to know.

16 MODERATOR CHRISTOPHER ROGERS: Right.
17 That's fine. But again, many members of the public
18 who came specifically for this evening's session, as
19 I understand, are not planning on spending the night
20 here. So, let's let them have their opportunity
21 first. We can continue to deliberate. Jerry
22 Schill.

23 JERRY SCHILL: Thank you, Chris,
24 members of the panel, Reverend Hogarth, don't fall

1 asleep. I'm Jerry Schill, President of North
2 Carolina Fisheries Association. The last time I
3 came to Silver Spring with a camera and took
4 pictures of people that came on a bus from North
5 Carolina, I read some very disparaging comments
6 about me on the Internet, so I don't expect to see
7 them tomorrow.

8 I'd like to just thank you for the
9 opportunity to comment this evening. I know it's
10 been a long day. But I did just think of a great
11 idea for Judge Judy to come up with any penalty if
12 she deems anybody to be guilty in her court, and
13 that's to serve on this panel.

14 I don't know how you all do it,
15 sitting around here for three days. I know it's a
16 chore, and we do appreciate the opportunity to
17 comment and your spending the late hours here.

18 I do have to pick on you a little
19 bit, though, Chris, because of the public
20 notification and the agenda. I understand that you
21 can't give everybody a personal invitation, as the
22 nuns used to say in grade school. An invitation on
23 a silver platter is not what's expected. But as
24 someone who represents an organization that's been

1 around for the mere 50 years, I think it would be
2 kind of nice that we didn't have to call Walter
3 Jones's office to find out exactly what's going on.
4 I think that you need to communicate a little
5 better.

6 I would like to talk about summer
7 flounder, since the fish look so much like a bluefin
8 tuna. You know, we're very sensitive to this issue.
9 You don't have to go very far. If you're around
10 fisheries management circles, certainly not highly
11 migratory when you talk about summer flounder. But
12 there are some analogies and that is we talk about
13 the allocation issue all the time and how it's split
14 up. But one thing we're very sensitive to is the
15 fact that North Carolina gets a good share of the
16 summer flounder quota for the commercial quota on
17 the Atlantic coast.

18 But keep in mind, too, that North
19 Carolina is the one that established the quota not
20 only for our state, by and large, but for many of
21 the states up and down the coast. Our boats are not
22 bashful about going where the fish are, and having
23 to pack and do whatever they can to make a buck, to
24 make a living, to put bread on the table. They were

1 certainly good at that in states up and down the
2 coast when it came to the summer flounder issue.

3 So, when we talk about this issue, we
4 are very sensitive and we do know a bunch of damn
5 Yanks from up north are the ones that are
6 responsible for the current bluefin quota. If it
7 wouldn't be for the guys up in the northeast, in
8 particular the East Coast Tuna Association, there
9 wouldn't be much to talk about for the blood and
10 sweat and the money that they've already put into
11 it. We fully recognize that.

12 The one thing that I found in the 15
13 years that I've been with NCFA is if you have more
14 quota, you have a lot more love. You have a little
15 bit of quota and the contentiousness grows. You
16 look at the summer flounder issue and Pres Pate will
17 be very quick to tell you that it was much easier to
18 manage the summer flounder quota this year. They
19 not only did a very good job in doing so, but there
20 was also more quota this year.

21 And once you start getting payback
22 for the prices that were paid, then certainly the
23 contentiousness starts to dissolve. Bluefin tuna, I
24 don't think, is going to be any different. I know

1 it's not going to be any different. Get more quota,
2 the contentiousness is going to go away.

3 But recognize that -- recognizing
4 that, you know, and we know that North Carolina is
5 not a Johnny-come-lately in the bluefin tuna
6 fishery. You've heard Louis Daniel articulate that
7 very well. We are, however, a Johnny-come-lately as
8 far as any organized effort when it comes to going
9 to ICCAT and exert any political influence in these
10 battles. That's just because we've got a lot of
11 other things on the plate. It was articulated very
12 well here already, that there's a lot of other
13 pressures coming down on commercial fishermen in
14 North Carolina and all states, for that matter. And
15 because of that, this issue is a lot more importance
16 to us.

17 Although we're not -- although we are
18 relatively new participants to this process, and
19 have never really gotten involved with the ICCAT
20 process except for a few who have sat around the
21 table as advisors or through their active
22 involvement or friendly dialogue with the East Coast
23 Tuna Association and the Bluewater Fishermen's
24 Association, but again, the North Carolina Fisheries

1 Association and the Division of Marine Fisheries has
2 not been actively involved, as our Congressional
3 delegation has not been involved in it.

4 That being said, North Carolina in
5 general, and North Carolina Fisheries Association in
6 particular, will work in concert with the U.S.
7 interests along with our political contacts, i.e.
8 the Congressional delegation to try and influence
9 all efforts at ICCAT. And again, we do believe that
10 something needs to be done in the interim to help
11 North Carolina and its commercial fishermen and the
12 economy of our coastal counties to help the serious
13 situation that's facing us.

14 We appeal to this panel to make
15 recommendations to the agency to do that immediately
16 and we pledge our support to do whatever we can in
17 the political realm and otherwise, as well as to our
18 ICCAT Commissioners to assure that the U.S. can take
19 care of its domestic interests when you go to ICCAT.
20 Thank you.

21 MODERATOR CHRISTOPHER ROGERS:

22 (Inaudible.)

23 NED MCCLUNG: Good evening. I'm Ned
24 McClung and I run the Charter Boat Magic out of

1 Atlantic Beach, North Carolina. There are many good
2 reasons that are logical, equitable and economically
3 sound for establishing a winter and spring fisheries
4 for bluefin tuna in North Carolina or by making
5 quota available in those months.

6 I hope my fellow travelers from North
7 Carolina cover these. But I want to tell you why I
8 am willing to spend 20 hours on a bus. It's
9 personal to me. I don't know how many of you have
10 read Hemingway's To Have and Have Not, or remember
11 it if you have. It's a tale about a scoundrel who
12 smuggles aliens and rum, gets his arm shot off in a
13 gun battle with the Coast Guard, finally dying as a
14 result of an aborted bank robbery. All this because
15 he's trying to earn enough to keep his charter boat
16 business afloat.

17 Hemingway contrasts Captain Morgan's
18 life against the artists and writers in the Keys.
19 And the only conclusion you can make is that while
20 not admirable, Harry Morgan at least lives his life
21 as a man and keeps his boat till the end. Well,
22 that's kind of like my life. I make payments on my
23 house and my truck, but I own my boat. I've got 25
24 years of work tied up in her. I've got to work till

1 I die, and I've seen a lot of old captains working
2 their boats long past government retirement age.

3 Bluefin tuna swim in the waters I
4 fish in the fall, spring and winter. Bluefin tuna
5 can be sold for cash money or fished on charters.
6 Through a discriminatory policy, the National Marine
7 Fisheries Service is regulating me out of the
8 fisheries. By not distributing the quota throughout
9 the year, NMFS is denying me my right to make a
10 living. I'm mad. I won't quit. And I demand my
11 fair share.

12 It seems to me that this country was
13 founded on the idea of fair play. And I'm calling
14 on you guys on the Advisory Panel to do what's
15 right. And that is to put equitable bluefin tuna
16 quota in the winter and spring months. Thank you.

17 BRITTON SHACKELFORD: My name is
18 Britton Shackelford. I'm a commercial fishermen and
19 I run a charter boat out of Oregon Inlet Fishing
20 Center. For a matter of the record, I am here to
21 represent the Oregon Inlet Fishing Center Guide's
22 Association and also our commercial hook and liners.

23 There are a couple of things I was
24 involved in the bluefin fishery issue at the

1 inception, I guess, a couple years ago when a
2 handful of us got together and saw what it had done
3 for our area, the things and avenues that it opened
4 up for us economically. And one of the most
5 contentious issues to me is our impotence when we go
6 to ICCAT. All of us here are for the same thing.
7 It's to try to sit down and work out a deal that's
8 going to be the best for everybody. But it is not
9 going to be to the best of everybody's interest
10 until we have our government's backing, when we go
11 and sit down with nations that scoff at first the
12 science and then the regulation that we try to get
13 them to abide by, when our fishermen have been the
14 most regulated fishermen in the world for a number
15 of years.

16 It goes through me like a double-
17 edged sword. It's extremely upsetting to me to see
18 work that Rich and his group, Nelson, to see what
19 our politicians and our group that has been involved
20 in fisheries issues for years and years go through
21 every day. Pete is getting a taste of it now.

22 And that first and foremost is one of
23 our predominant issues. I would like to go down on
24 record as saying that. We're here to get a formal

1 allocation so that we can put something in writing
2 that we can depend on, that we can look forward to,
3 but I want to go down on record as saying that we're
4 fully committed to pressing our delegates,
5 Congressmen, and any other elected official that
6 need be, to back up our people when they go to ICCAT
7 and sit down and work it out.

8 It's ridiculous that our fishermen
9 have borne the brunt of regulation for the number of
10 years that they have, and to see other countries
11 that absolutely adhere to nothing. It's all you can
12 catch.

13 Now I would like to say what it is
14 that the Oregon Inlet Guides' Association, which
15 represents 75 vessels, that are charter boats, not
16 counting the number of boats that are full-time
17 commercial hook fishermen. Length of season. We
18 want a January, February and March fishery for a
19 couple of reasons. It's going to eliminate any
20 shipping problems that are associated with holidays.
21 Traditionally, the guys in the northeast have seen
22 it, we've seen it. In the past couple of years that
23 we've been able to get some quota. It's going to
24 eliminate the Thanksgiving, it's going to eliminate

1 the Christmas, it's going to eliminate the first of
2 January. It's going to put American fish in a
3 market that has traditionally not been -- has not
4 had American fish available to it. That is going to
5 open up January, February and March. That's three
6 months of the year.

7 It is going to prolong the season for
8 dealers and for buyers and for fishermen. Whether
9 they're fishermen from the northeast who'd rather
10 come someplace a little bit warmer, or fishermen in
11 the Southeast who are having a hard time making ends
12 meet due to other regulations.

13 Rich, I understand what goes on. I
14 get National Fishermen. I get a variety of
15 publications from up north. My family's been in the
16 seafood business for over 300 years. I understand,
17 trust me. For the last -- up until I bought my
18 boat, I was a monk fisherman and a dog fisherman.
19 Believe it or not, we catch monks and we catch dogs
20 in North Carolina. As all of you all know, we're no
21 longer allowed to do so, as we are so many other
22 fisheries.

23 One of the other issues by starting
24 at January 1st, it's going to allow our larger fish

1 to get here. It's going to allow for a bigger fish,
2 which the market is looking for, and it is going to
3 allow for a fish that has a higher fat count that's
4 in better shape that's going to command the highest
5 dollar. And that's what it's all about, the most
6 economically viable fish that we can possibly catch.

7 And one of the other issues that we
8 stand on, the science that has been generated on
9 these bluefins, I dare say that there are very few
10 other species in the ocean that have had as much
11 science generated regarding breeding habits, travel
12 patterns, eating patterns, as bluefin fish have --
13 and this amount of scientific study has come about
14 in a very short period of time by opening our season
15 January the 1st, it is going to allow us an active
16 six-week tagging program which is going to be from
17 about mid November until the first of the year,
18 where people are going to be out there actively
19 fishing. In a vast majority of cases, a catch and
20 release fishery, and it is going to allow -- it is
21 going to take a market influence off of that to
22 allow for a lot of tagging studies to continue to go
23 on in a very important region, which is North
24 Carolina.

1 New England, as you know, is not the
2 only area that has embarked on an active tagging
3 program. There have been a great deal of important
4 scientific studies and a lot of information that
5 have been generated on bluefins from North Carolina.
6 There is a lot that goes on with bluefins that
7 people are not even aware of right now. It is
8 oceans of bluefins that are approximately four to
9 six pounds that are out there now.

10 You heard it from some of the guys in
11 Morehead and it's the same out of Oregon Inlet. You
12 go out there on the rip right now, they are just --
13 there are acres of small, four to six pound, seven
14 pound bluefins that came from somewhere and are
15 going somewhere. We don't know -- we don't have an
16 idea where they came from, we don't know where
17 they're going. There's no tagging study done on it
18 now and there's no incentive to do so.

19 We feel in our position that we would
20 be able to come in and help and not hinder. We're
21 not asking for half the quota. We are only asking
22 for a small -- what we feel equitable share of what
23 is available. And we feel that we can sit down in a
24 gentlemen and ladies way and work it out so that it

1 is fair to all.

2 The other avenues that are open have
3 a very strong possibility there. That is not what
4 we would like to do. We would like to sit down. We
5 would like to work it out so that it is fair to us
6 and it is not burdensome, increasingly burdensome,
7 to the people who have traditionally done their best
8 to maintain this fishery in the United States.
9 Thank you.

10 MODERATOR CHRISTOPHER ROGERS: Joe
11 Shute.

12 JOE SHUTE: My name is Captain Joe
13 Shute and I appreciate you all listening to us this
14 evening. I know you're probably tired of listening
15 to people from North Carolina right now, but after a
16 12-hour bus ride, I'm going to say something.

17 A lot of it has been covered.
18 Something I read in the papers that everybody's
19 talking about here is the phrase always comes up to
20 help achieve optimum yield for the bluefin tuna
21 fisheries. Something else I don't quite understand,
22 and I think that National Marine Fisheries has set
23 this, I don't think ICCAT has, is why are we only
24 able to fish on these fish seven months out of the

1 year instead of a 12-month season?

2 Listened to Mr. Ruais a little while
3 ago. No significant catch in the early season,
4 maximum yield for the amount of caught fish. Right
5 now, starting January 1 in North Carolina, the
6 highest quality, highest fat content fish and the
7 closest proximity to any part of given land on the
8 east coast goes on for January, February, March and
9 April out of North Carolina right now.

10 There are no fish being hit in the
11 market, like Shackelford said, from January from the
12 United States. High fat content, larger fish. This
13 means if you're worried about the stocks, you're
14 going to be killing less fish to get your quota.
15 You're going to be getting more money per pound for
16 the fish, and we're going to keep a good fisheries
17 going early part of the season when there's nothing
18 going on. I just couldn't understand that.

19 Our area, I run a bait and tackle
20 shop, charter boat and commercial fish, also. The
21 significance of the last two years when we were left
22 a little set-aside that was left over, it wasn't
23 quite filled in the quota.

24 The economic boom to eastern North

1 Carolina and the southern areas down there,
2 December, January and February, when -- November and
3 December especially, when usually there's not a
4 whole lot going on. I mean, this made everybody's
5 Christmas.

6 This got people through the winter,
7 made their house payments, made their boat payments.
8 I didn't have to go to the bank to borrow money to
9 get me through tax season. You know, hey, this was
10 great.

11 And if we can guarantee that we're
12 going to have some sort of a set-aside quota in the
13 December, like North Carolina Marine Fisheries asked
14 for 90 metric tons, which isn't that much, you know,
15 this is going to get everybody through the winter.

16 But what I'd like to see, like
17 Britton was talking about, I don't understand why
18 the season can't open up January 1, with the
19 proximity of the fish that are there and the quality
20 of the fish that are there. That's just cutting us
21 out and the United States -- we got nothing against
22 anybody from up north down south, Florida, Oklahoma,
23 I don't care. If they got a commercial license to
24 sell fish, come on down. I mean, the fish are

1 there. We need to take -- to utilize what we have
2 right there.

3 We need to work together with ICCAT,
4 like was mentioned earlier. You know, United States
5 is the one getting the short end of the stick on the
6 ICCAT deal and everybody here knows it. I mean,
7 it's -- we need to work together and if we do get
8 another portion of quota, another 4 or 500 metric
9 tons, it needs to be divvied out equally among all
10 the states, not just North Carolina or New Jersey or
11 wherever it needs to be divvied out equally among
12 all the participating states.

13 And as far as what Rich said earlier
14 -- what Rick Ruais said earlier about going back to
15 starting off the season with two bluefin tuna a day,
16 there's no justification for that. If he can't fill
17 his quota, let us start in January. We can fill the
18 quota. They can come down and help us all so you
19 don't have to worry about coming up short on the
20 quota. There's plenty of fish. We're just not
21 allowed to fish for them.

22 And if you go ahead and set it to
23 where they can harvest two fish a day to start the
24 season, if we don't get a set-aside quota or

1 subquota for December, you're pretty much going to
2 cut us out of the fisheries one more time, or come
3 close to it.

4 This year we did get a little bit of
5 quota left in November. Unfortunately, we had a lot
6 of skinny fish. They didn't bring the money that
7 they should have. I would rather see the season
8 open up later in December when the fat content's
9 higher. Plus the market's already been covered.
10 You know, two fish a day from up north coming in,
11 the markets were pretty well saturated at that time.
12 So, the price wasn't there that should have been in
13 years previous. I appreciate you listening to us,
14 and thank you for taking up your time.

15 BILL VANSKIVER: Only got five or six
16 pages here, so we'll be able to go right through it.
17 I'm Bill Vanskiver from Morehead City. I have a
18 charter boat, head boat permit, bluefin tuna fish
19 out of Morehead.

20 Atlantic bluefin tuna are a resource
21 of the United States. I believe properly licensed
22 individuals should all have equal access to the
23 resource. However, the regulations governing
24 Atlantic bluefin tunas have discriminated against

1 some groups while favoring others, resulting in an
2 unequal distribution. Pretty simple.

3 I joined the Winter Bluefin
4 Association, which is a group formed out of Morehead
5 City, because of its demand for equitable
6 distribution of Atlantic bluefin tuna to all
7 licensed user groups, regardless of geographical
8 locations. We've talked about that a lot already.

9 In addition to equitable opportunity
10 -- or equal opportunity for fishermen, it spreads
11 the general category allocation out so that you get
12 a higher yield for the dollar.

13 I personally have benefited from the
14 sale of bluefin tuna. Bluefin tuna has been the
15 biggest single winter tourism attraction to my area
16 for four to five years now, at least. And let's see
17 here.

18 We've supported scientific efforts to
19 study and protect bluefin tuna out of North Carolina
20 intensively. A lot of tagging been done. We tagged
21 fish for three or four years without charters,
22 without any monetary support, to go out there just
23 to be involved. And we've had very few and limited
24 opportunities to be involved in the commercial

1 fishery portion of that.

2 We take bluefin tuna seriously, and I
3 ask that you take our demands seriously because
4 they're sound and just. And I appreciate the
5 opportunity to bring them to you tonight. Thank
6 you.

7 MODERATOR CHRISTOPHER ROGERS: Were
8 there any other members of the public that wish to
9 speak at this time? Can I have a show of hands?
10 All right. I guess we'll get back to the panel
11 discussion. I don't think it would be appropriate
12 for the panel to be grilling the public speakers,
13 per se, but if there's a point of clarification --
14 again, this would be a panel discussion in hopes of
15 providing some advice to the agency on these issues.
16 So, start with Rich Ruais and Peter Weiss.

17 PETER WEISS: Thank you, Chris. I
18 don't have any questions for Rich, but I do want to
19 comment directly on the letter itself and preface it
20 by saying that sometimes I get deeply embarrassed
21 working for the industry in New England in the
22 northeast, because of the incredible immaturity that
23 we can display in letters like this over time, and
24 actually distort pictures when people aren't happy

1 that they're getting exactly what they want.

2 And I'm sorry that Rich is the
3 carrier of the news here, because -- anyways,
4 because I know very well the two signers of the
5 letter and I know what's going on behind the scenes
6 and I think it's important that the Advisory Panel
7 know a little bit about it, as well.

8 Number one, this suggestion that
9 there is no representation of the harpoon category
10 on this panel is preposterous. I represent harpoon
11 category. I have some of the highline harpoon
12 category members in the fishery. They are harpoon
13 fishermen who have used airplanes, who want to use
14 airplanes again. I have harpoon category fishermen
15 who have used airplanes and don't want to use
16 airplanes again.

17 And just so you'll know, because I
18 know a lot of this word is going to get back,
19 they're names like Eric Hess, one of the top
20 producers in the category consistently, Dave Linney,
21 Lexie Krauss, Steve Weiner, Percy Stevens, Mike
22 Perenno, all longstanding harpooners who I have
23 their full faith and confidence in. They join East
24 Coast Tuna each year. They give us much assessment

1 money in support of the effort that we're doing, and
2 I think they recognize that everybody in the harpoon
3 category benefits from the work of East Coast Tuna.

4 The second point I wanted to make is
5 under the harpoon category quota here, they make the
6 reference, which is just an attempt to embarrass us
7 further, that the in-season allocation that went to
8 the harpoon category last year just simply came from
9 NMFS. It doesn't work that way generally. Someone
10 has to ask NMFS for it, and somebody has to do an
11 incredible amount of work to get it done. And that
12 was East Coast Tuna that got the work done to get
13 the harpoon category and all of its participants
14 some extra quota last year, as it was well-deserved.

15 The section on the purse seine
16 fishery is particularly immature. That's the tit
17 for tat. The purse seine fishermen, the five boats,
18 the captains, made a conscious decision to stay out
19 of the airplane fight because it's a general
20 category and a harpoon category issue. It's not
21 their business to be engaged in that. They stayed
22 out of it. The people that lost on the battle, at
23 least temporarily, are very angry at them.

24 So, what you see in there, their

1 opposition to moving the season back a little bit,
2 is a flimsy, poor, attempt at justifying not opening
3 that fishery when it's very clear that if you're
4 trying to jam 250 tons in a 60-day fishery, that you
5 can have smarter marketing opportunities. If you
6 take 90 days to catch that and dribble it in in
7 smaller quantities rather than being forced into
8 competing when the general category and the harpoon
9 category are in their major season right now.

10 That's what's happened in this
11 fishery. The fishery has shifted to September and
12 October in New England. And there was a time when
13 the purse seine category -- you didn't want them
14 operating in the early part of the season, because
15 the general category was big in June and July. And
16 now we're forcing the purse seine category to get
17 right in on top of the peak season in the general
18 category.

19 The reasons why it was originally
20 August 15th have now shifted back to make -- such
21 that the fishery should open earlier for the exact
22 same reasons why it was made August 15th.

23 I'm going to -- I wanted to say some
24 things about the North Carolina aspect in here, but

1 I'm just going to leave it for now. But be wary.
2 There's strategy in this letter, it's written by a
3 crafty lawyer, and there are strategic reasons for
4 the whole letter, obviously.

5 UNIDENTIFIED: Yes, I'd like to
6 address this North Carolina issue. You know, it's
7 interesting, ICCAT -- one of the biggest problems we
8 have at ICCAT today I think coming up is the fact
9 that countries want quota. And we don't know how to
10 handle it really. And although I believe that the
11 United States policy is going to be nobody's going
12 to get any quota increase or get any -- countries
13 are not going to get quota who don't have quota,
14 until the general quota of that area is increased,
15 whether it be the west or the east. I believe
16 that's what we're looking at.

17 And it's interesting now that North
18 Carolina wants quota, except it's not coming from
19 another country. It's coming from us or from fellow
20 Americans.

21 I understand the North Carolina
22 problem completely, and I don't even disagree with
23 parts of it. I disagree a little bit with the
24 timing. You make it sound in North Carolina like

1 your fishermen are being deprived of a living, and
2 they could very well be. But I think you forget
3 that the New England fishermen, who have been
4 fishing this fishery for 20 years up there, under
5 strict quotas, and a lot of them who make their
6 living from bluefin tuna fishing, and a lot of them
7 who are moving into this fishery from other
8 fisheries that are being closed up around them, as
9 they are in North Carolina, are going to be deprived
10 if you get your 90 tons or 15 percent of their
11 quota, just like that.

12 We have 7,000 permitted holders, I
13 guess. 15 percent of 7,000, I believe, is 1,050.
14 Are there 1,050 permitted holders in North Carolina?
15 Maybe there are. I don't know. I would doubt it.
16 But there possibly could be. But that's the figures
17 that are in New England. There are 7,000 permitted
18 holders. We have 1,000 people -- approximately
19 1,000 people that caught fish last year. It's a
20 very big fishery.

21 And for that fishery to lose 90 tons,
22 15 percent of its quota, would be a very dramatic
23 loss. I said I understand your problem, and it's
24 nice to hear that you're willing to work with us, to

1 work with Rich, to work with Glenn, in trying to get
2 more support for ICCAT. I'm really sorry to hear
3 that you didn't do it before. Because you did have
4 a fishery down there and you do have a fishery down
5 there. It may not be a big general category
6 fishery, but it was a big angling fishery. And I
7 think it's a profitable enterprise from all I
8 understand, although I've never been down there.

9 And it's really appreciated the fact
10 that you're going to get some of your Congressmen to
11 work with us. Hopefully, they'll be more effective
12 than some of our Congressmen in this issue, because
13 we've had a tough time. But I'm just sorry to hear
14 that it took you -- it takes your wanting of 90 tons
15 to become involved. Because I think you're going to
16 get your 90 tons someday, or your 50 tons or maybe
17 more. But I think that day is going to come --
18 personally I hope that you can see that it's going
19 to come when we get more quota, which could very
20 well be this coming year when we have the
21 assessment.

22 You know, I've been involved in a lot
23 of fights in this industry and a lot of times I've
24 been accused, you know, of we're fighting among each

1 other, and so on and so forth, and Rich and I have
2 had plenty of fights, although these days we don't
3 have that many really. And personally I am not
4 looking for a fight with North Carolina.

5 I understand fully why you guys want
6 a fishery down there. I understand fully it's a
7 money making proposition and you have every --
8 probably have every right to a fishery. But I think
9 you have to wait a little bit so you don't hurt the
10 guys up north who have had this fishery for a lot of
11 years and who depend on this fishery, some of them
12 completely. Thank you.

13 MODERATOR CHRISTOPHER ROGERS:

14 (Inaudible) from North Carolina. I recall that we
15 had a discussion on obviously the same issue with
16 respect to a North Carolina general category fishery
17 back in our 1998 Advisory Panel meeting in
18 Baltimore.

19 And as was already pointed out by
20 Louis Daniel earlier in this meeting here, there was
21 a question that came up at that meeting about the
22 moratorium on licenses to sell, what is the
23 procedure and what is the cost? Maybe if you're not
24 familiar with it -- somebody else from North

1 Carolina, but my understanding is that it's
2 generally available to all comers, so to speak?
3 There's a differential fee, perhaps, for out of
4 state or nonresident license, but that's no longer
5 an issue? Just to be clear on that.

6 UNIDENTIFIED: It's no longer an
7 issue in terms of there being a moratorium. The
8 license is referred to in the statute as a license
9 to land and sell product that is caught by vessels
10 of any state's registry, as long as what they're
11 landing in North Carolina has been harvested from
12 the EEZ.

13 The cost of the license is set at a
14 minimum of \$200 and varies according to reciprocal
15 agreements that we have with other states and
16 according to what our fishermen are charged for the
17 opportunity to fish in those other states with which
18 we have reciprocal agreements. And there's a wide
19 range of what those charges are.

20 MODERATOR CHRISTOPHER ROGERS: A
21 point of clarification?

22 RICHARD RUAIS: I did discuss this in
23 Morehead City and I think I was provided with
24 information that suggested that the reciprocity with

1 Massachusetts, for example, puts it up to about
2 \$1,160, Louis, if I'm not mistaken? And that's not
3 reciprocity. Any out of state resident in
4 Massachusetts can get a permit for \$260 to land
5 bluefin or any other fish in Massachusetts. So,
6 there is a continuing problem there. It's \$1,160
7 for an out of state person to fish bluefin in North
8 Carolina, and it's \$260 in Massachusetts, for a boat
9 up to 60 feet. For a boat 60 to 99 feet it's \$390.

10 UNIDENTIFIED: Chris, point of
11 clarification on that, if I may? We generated these
12 numbers out of our licensing section just a few days
13 before coming down here, Rich, and I was surprised
14 by the cost of some of these license and the fact
15 that there's some odd numbers there, and I haven't
16 had a chance to look into how those fees were set in
17 our database, and I'll be glad to do that based on
18 what you just said.

19 ROM WHITAKER: Okay. I'm just going
20 to respond to a few comments, and the first one is
21 the comment that Mr. Kramer brought up from North
22 Carolina. And it is in regards to the public
23 hearing. And I'm going to read you an e-mail that I
24 received on March 21st. And this was after a call

1 to Othell concerning an agenda and public hearing
2 and I would like to know if it was going to be as
3 last year's, which was Tuesday night, and she was
4 very kind and always has been in trying to get me
5 the right information.

6 But anyway, my e-mail on March 21st
7 says Rom -- this is from Ron Rinaldo. I can't get
8 through on your phone -- I'm not sure why, but my
9 charter customers do, but anyway -- but I wanted to
10 tell you that we will not be holding a public
11 hearing during the AP. We did not get the proposed
12 rules done in time. If you want to consider an
13 informal hearing, you might suggest it the first
14 thing Monday morning when the agenda topics are
15 considered.

16 Of course, some -- I think I fished
17 the next Monday. That was a -- I think I didn't
18 even get this till -- I didn't read it till Friday,
19 but they got on the phone Monday and we were able to
20 get -- find out when we were going to have public
21 hearing.

22 But this I think is -- we need to do
23 a little better job. I mean, if we're going to have
24 public hearing, we got to let people know more than

1 two or three days in advance whether you are or you
2 aren't. We just need to do a better job with that.
3 And it was a very valid point and I think that's one
4 reason why more guys didn't show up tonight.

5 My second two comments were in
6 regards to the big pie. I mean, the recreational
7 community found it fit, for whatever reason, to give
8 us some allocation in the southern region to
9 continue a fishery that was very important to us,
10 and I thank them all for that. So, it has happened.

11 And my third comment was in regards
12 to the angling commercial -- or general category.
13 It is available. You know? You might not take
14 advantage of it, but it is available up north. So,
15 we're just asking to be treated fairly.

16 GLENN DELANEY: Thank you. I would
17 like to address two questions to the presenter. I
18 believe his name is Rich of the Atlantic Commercial
19 Fishermen's Alliance. Could I ask him to come back
20 up?

21 MODERATOR CHRISTOPHER ROGERS: Again,
22 what we want is a discussion amongst the panel
23 members. If there's a particular concern about some
24 factual presentation --

1 GLENN DELANEY: (Inaudible.)

2 MODERATOR CHRISTOPHER ROGERS: All
3 right. But our intent is not to use the panel to
4 grill members of the public --

5 GLENN DELANEY: I really don't want
6 to get into an argument with you about this, but no
7 one in this room speaks with impunity. Okay?
8 Neither should the public. All right? If they have
9 said something that deserves a question, I think I
10 have a right to ask a question.

11 MODERATOR CHRISTOPHER ROGERS:
12 Certainly if you have a question in terms of
13 clarification, but with respect to debating the
14 issue --

15 GLENN DELANEY: It's a major
16 clarification.

17 MODERATOR CHRISTOPHER ROGERS: -- is
18 what we expect the panel to do.

19 GLENN DELANEY: Thank you. Could I
20 address a question to the --

21 MODERATOR CHRISTOPHER ROGERS: Rich,
22 would you like to entertain a question?

23 GLENN DELANEY: Rich, I understand
24 you're not a bad guy and you've got a tough job to

1 do, and I'm not picking on you at all, but I just
2 need some clarification.

3 RICHARD BLAKENEY: I'll do the best I
4 can.

5 GLENN DELANEY: Who is Bill
6 Sheparliss?

7 RICHARD BLAKENEY: Billy Sheparliss
8 is the president of our association. He's been a
9 long-time fisherman -- tuna fisherman, started 20
10 some odd years ago. He's been very active in tuna
11 research, was one of the prime developers of the
12 pop-up tags that Molly -- I never can pronounce her
13 last name -- from the --

14 GLENN DELANEY: (Inaudible.)

15 RICHARD BLAKENEY: Well, would you
16 like to let me finish, so I can clarify completely
17 to the panel?

18 GLENN DELANEY: I was helping you
19 pronounce her name.

20 RICHARD BLAKENEY: Oh, okay. Sorry.
21 I'm a logger. Chain saw ears. You know, I can't
22 hear very well. And anyway, so Bill has been very
23 active in research and tagging programs and has a
24 lot of history and very active with the research and

1 the conservation and the harvesting of bluefin tuna.

2 GLENN DELANEY: I appreciate that.

3 I'm actually pretty familiar with him, but I wanted
4 to get that out on the record and clarify that he is
5 the president of this organization and therefore
6 this represents his position on the various issues.

7 RICHARD BLAKENEY: Absolutely.

8 GLENN DELANEY: I'm also very
9 familiar with his participation in the research with
10 Molly, as I have been very active in that myself.
11 Are you aware of the fact on March 25th I convened a
12 meeting in Gloucester at the NMFS facility in
13 Gloucester, Massachusetts, to discuss that very
14 research program, and to basically get the industry
15 leaders together, which I consider Billy one, to
16 discuss how best to achieve the objective of the New
17 England Aquarium of deploying 100 satellite, pop-up
18 archival tags this upcoming fishing season?

19 RICHARD BLAKENEY: I'm fully aware of
20 the meeting that you had. I am not privy to what
21 happened at that meeting. Bill, one reason he is
22 not here tonight, came down with a very bad case of
23 the flu. He has been bedridden. And when I talked
24 with him -- Friday was the last time I spoke with

1 him -- he could hardly speak on the phone, and the
2 plan is for him to report to our association on what
3 was at your meeting. I have no idea what was spoken
4 at the meeting.

5 Bill has not -- I mean, I guess he
6 has talked to our Executive Director, Bill Henshey,
7 about it. But I know nothing about what transpired.
8 I know the meeting happened. I know you're trying
9 to get the research back going because of certain
10 failures that happened last season between the --
11 you know, the lack of troll fish for the troll guys
12 to do and attempts by the seiners to do it, that for
13 one reason or another, you know, was not successful.

14 So, I know that you've contacted
15 Billy and we're trying to get everyone together
16 because our ultimate goal is to -- you know, find
17 out all we can about bluefin tuna to make it better
18 for all the United States fishermen. And you know,
19 develop ammunition to fight ICCAT. The more
20 ammunition we get, the better chance we have at
21 defeating the European Union.

22 GLENN DELANEY: Couldn't have said
23 it better myself. And a couple of the decisions
24 that were taken or agreements or understandings that

1 were reached in that meeting, which included
2 representatives of the purse seine category, the
3 harpoon category, and the general category, was to
4 pursue sort of a research tagging plan for this
5 upcoming season, which included two things that I
6 will note.

7 It included other things, but two of
8 the things I want to note was one, an agreement by
9 people in the room who are stridently opposed to the
10 use of aircraft in the harpoon and general
11 categories, but yet who were willing to explore the
12 use of a plane for the purposes of deploying tags,
13 working perhaps with two or three vessels on a very
14 limited basis to get out maybe 10 or 20 or so tags.
15 And I congratulated those people in the industry to
16 come together and understand that the research was a
17 priority, and that they could set aside their
18 concerns about the aircraft and move beyond that and
19 see the value of the research, just like Billy does.

20 Another thing that was agreed to or
21 discussed without objection in that meeting was to
22 provide for an early opening of the purse seine
23 vessels on July 15th together with the possibility
24 of a two-week -- approximately two-week experimental

1 permit or special permit which would allow just the
2 tagging activity to occur prior to July 15th and
3 that the fishery would then commence on July 15th.

4 This was discussed for several hours
5 at this meeting with Billy, at which time no
6 objection to the concept was ever raised. This was
7 a week and a day ago that I had this conversation.
8 I organized this meeting on my own dime and came up
9 there and -- trying to promote the research. And
10 one week and one day later, I'm confronted with a
11 paper by the president of the association, the very
12 same person I discussed this with, taking the
13 opposite position.

14 So, I hope that Billy feels better
15 soon and that you'll get a chance to talk to him on
16 the phone and that he'll get a chance to report on
17 the meeting of a week and a day ago, at which time
18 he raised absolutely no objection and understood how
19 the purse seine tagging was going to represent
20 probably 60 percent of our objective. This is not
21 some small part of our program, but a huge part of -
22 - the greatest part of our program was going to be
23 accomplished by one purse seiner who has made
24 himself available for this purpose. And we

1 discussed at great length the July 15th opening
2 date, and with no objection raised whatsoever. So, I
3 bring that to your attention and ask you to discuss
4 that and perhaps provide this -- provide me with
5 some clarification, if not the AP.

6 The second issue I want to address to
7 you is this discussion at the very end where the
8 author, which I presume is Bill Henshey, has
9 actually suggested that the harpoon swordfishermen
10 in New England did not have adequate notice of the
11 availability of swordfish limited access hand gear
12 permits, which many of us in this room find to be a
13 rather remarkable statement, considering that the
14 issue is discussed and considered for years, and I
15 believe that the comment period was -- or the
16 availability period was even extended for an
17 additional six months at one point.

18 And I think basically the threshold
19 for qualifying to get one of those permits is if you
20 could show up with a picture of yourself and a
21 swordfish on the same picture, that was your catch
22 history and you got a permit. I mean, that was the
23 standard of -- it didn't -- you know, you could be
24 standing on a dock next to a swordfish and you'd

1 have gotten a permit, if you got your picture --
2 thought enough to take a picture.

3 So, I just wanted to point that out
4 to the AP, that any claims of lack of due process to
5 gain access to those permits and therefore the
6 fishery I guess from my perspective is completely
7 false. Thank you very much. Have I berated the
8 witness?

9 MODERATOR CHRISTOPHER ROGERS:
10 (Inaudible.) Our hope was to have a panel
11 discussion of the issues and we don't want to be
12 putting the public on the spot, so to speak. And
13 certainly if there's a factual question that needs
14 clarification, yes, --

15 GLENN DELANEY: I think that's what I
16 just did, and accountability is important for
17 everybody in this business.

18 RICHARD BLAKENEY: Anybody else
19 before I leave?

20 UNIDENTIFIED: (Inaudible.)

21 MODERATOR CHRISTOPHER ROGERS: All
22 right. Let's --

23 GLENN DELANEY: Chris, I've got two
24 issues to address to the panel now. Switching to

1 bluefin tuna, if I might do that. Or North
2 Carolina, I'm sorry.

3 MODERATOR CHRISTOPHER ROGERS: Okay.
4 Rich -- the witness may be excused.

5 RICHARD BLAKENEY: Okay. Thank you.

6 GLENN DELANEY: Curious. I could
7 address this to the -- I think it's probably -- you
8 guys are very competent in discussing and advocating
9 your positions, so I don't know that I need to
10 torment anybody in the back of the room, but just
11 curious how was the 90-ton figure selected? Was
12 that based on some analysis of some sort? Just
13 curious. Whoever wants to --

14 UNIDENTIFIED: Toss-up question.

15 UNIDENTIFIED: It is a toss-up
16 question and I think it's looking more at a
17 percentage basis. It's approximately eight percent.
18 Looking at the time period and we hope to have this
19 fishery available ultimately -- I think we're --
20 it's been suggested to us to look at this
21 incrementally. We're looking at it incrementally.
22 We've obviously like to see these fish available in
23 January and February. We'd like to have
24 clarification at some point as to why there's no

1 allowable sale in January and February when the
2 market is the most lucrative.

3 But the 90 metric tons we felt was a
4 reasonable amount. To be perfectly frank, we felt
5 that it looked a lot better than 100. And it would
6 tend to keep the fishery going for the entire month
7 of December, based on the catch histories that we've
8 seen in 2000 and 2001, when we had between 30 and 40
9 available during that time period. No scientific
10 basis for developing 90.

11 GLENN DELANEY: Just as a point of
12 clarification, I believe 90 tons would probably
13 actually represent something more like 15 percent of
14 the U.S. quota, not --

15 UNIDENTIFIED: I'm sorry. I was
16 talking eight percent of the 1114 total commercial
17 quota, not general category. You're right. IT
18 would be higher than eight percent of just the
19 general category.

20 GLENN DELANEY: Right.

21 UNIDENTIFIED: Yes, sir.

22 GLENN DELANEY: Okay. Just moving
23 on, a couple of other quick questions. Actually,
24 you raised a point that I had forgotten about. You

1 might want to -- I don't know what pricing
2 experience you've had this winter -- I don't know if
3 any fish have been sold out of North Carolina. I
4 apologize for not knowing that.

5 UNIDENTIFIED: No, that information
6 wasn't available on the fisheries economic web site
7 at the time.

8 GLENN DELANEY: Just so -- you might
9 want to look at that situation, whereas in the past
10 certainly the lack of U.S. production during the
11 winter months has meant the possibility for good
12 prices in Tokyo. However, in this past year, we
13 have been absolutely inundated -- we, I should say
14 Tokyo and the bluefin global market has been
15 inundated with bluefin tuna being extracted from the
16 pens in the Mediterranean, and I was wondering if
17 you saw the effect of that. Because, you know, I've
18 eating torro all winter long and that's where it's
19 coming out of is the pens off of Spain and Italy.

20 So, I'm not certain that the price
21 structure that you're anticipating exists today any
22 longer, or will exist ever for the future because of
23 the massive amount of fish that's ended up in the
24 traps. But that's another ICCAT challenge that we

1 face.

2 Another question was how many tons
3 are in the angling category for North Carolina? I
4 heard a couple of numbers thrown around, and is that
5 a fixed number or is that something that just sort
6 of is ad hoc?

7 MODERATOR CHRISTOPHER ROGERS:

8 There's a northern and southern subdivision of the
9 angling category quota. The dividing line, if you
10 recall, last year was moved from basically Delaware
11 South New Jersey north to include the Cape May
12 County fishery in the southern zone, because they do
13 tend to fish in the same area as the Maryland,
14 Delaware and some of the Virginia vessels in the
15 southern zone.

16 So, there's no quota defined for the
17 North Carolina fishery with respect to that. It's
18 just part of the southern portion of the angling
19 category quota.

20 GLENN DELANEY: But in effect, those
21 tons are fished by the north -- primarily off the
22 coast of North Carolina, is that --

23 MODERATOR CHRISTOPHER ROGERS: Well,
24 again, it's a shared quota. So, North Carolina

1 takes a portion of that -- a lot of the small medium
2 fish that are landed in that category are taken in
3 North Carolina, basically from December right on
4 into late March or early April.

5 GLENN DELANEY: And roughly how many
6 tons are we talking about?

7 MODERATOR CHRISTOPHER ROGERS: Do you
8 have -- actually from the catch cards --

9 UNIDENTIFIED: Last few years it's
10 averaged between 40 and 50 tons.

11 GLENN DELANEY: Okay. I heard one of
12 your fishermen -- thank you very much -- say
13 earlier, which was a thought that occurred to me,
14 also, which was -- you know, gee, if we could sell
15 them we would. There would be no angling
16 recreational fishery off North Carolina. I wonder
17 if you've thought about the possibility of looking
18 at those 40 or 50 tons and making them available for
19 sale rather than extracting them from other segments
20 of the industry outside of your region? Anybody
21 want to take a stab at that?

22 UNIDENTIFIED: Well, I mean, if you
23 look at the -- I mean, arguably, North Carolina has
24 the best recreational data collection system on the

1 east coast, and has a very accurate counting
2 mechanism in place. And the fish that are available
3 to the angling category are -- the size classes
4 befuddle me, but they're 59 to 73-inch fish. And so
5 about 90 percent of the North Carolina catch, or
6 39.6 metric tons, was in that little -- what Rich
7 calls the slot size fish.

8 GLENN DELANEY: I understand that.

9 UNIDENTIFIED: And so very few fish
10 over 73 inches are landed by the recreational
11 fishery.

12 GLENN DELANEY: I understand that.
13 But what I'm talking about is just tons, fungible
14 tons that could potentially be changed from angling
15 category to the general category by NMFS, if that
16 was the will of North Carolina, since they are
17 fishing -- you know, landing 40 or 50 tons of
18 bluefin tuna in the angling category, perhaps as 40
19 or 50 tons could be landed as general category and
20 address a substantial part of your need.

21 UNIDENTIFIED: (Inaudible.)

22 GLENN DELANEY: Please. It's an open
23 discussion.

24 UNIDENTIFIED: This goes back a ways.

1 1993 we started catching the tunas. I run a charter
2 boat. We never -- traditionally, people call me way
3 in advance, June, July, August to book charters
4 January through March to go catch a giant bluefin or
5 have the opportunity to catch and release or catch
6 and keep one a day a large medium or small medium.

7 So, from I guess almost ten years now
8 -- of course I've built up a pretty good wintertime
9 business, people coming to catch a fish, and -- you
10 know, we haven't been even anytime here in the last
11 -- after January 1st it shuts down, you know? So,
12 you're basically out of -- we're out of availability
13 to do anything. You know, I have booked those
14 charters, worked hard to build up that business, and
15 that's very important to me personally is to have
16 that business for the 50 metric tons or whatever it
17 takes. I mean, we're talking about one fish a day
18 that we would take for our charter. Sometimes they
19 may come for two days or three days and only take
20 one fish. But they still want the opportunity to
21 take that one fish. So, I think hopefully that will
22 help answer some of your questions.

23 GLENN DELANEY: So, what you're
24 saying is North Carolina wouldn't necessarily be

1 interested in sacrificing their angling category
2 fishery so that there could be developed a
3 commercial general category fishery. They'd rather
4 have somebody else make that sacrifice.

5 UNIDENTIFIED: If you're asking me
6 that question.

7 GLENN DELANEY: Yeah.

8 UNIDENTIFIED: I don't think for the
9 time and effort I have put in this that I would want
10 to give up my recreational business. If you're
11 asking me --

12 GLENN DELANEY: I totally understand.
13 So does everybody else --

14 UNIDENTIFIED: -- if I had
15 opportunity I might say yeah, you let me catch three
16 fish that I can sell and I'll -- you know, maybe do
17 away with the other. But I've worked hard to get
18 that and I certainly don't want to lose it.

19 GLENN DELANEY: I think most of us
20 got my point. I'll move on to the next question.

21 UNIDENTIFIED: Chris, could I respond
22 to that. As a major manager of fisheries in North
23 Carolina, I would like to say that --

24 MODERATOR CHRISTOPHER ROGERS: Just a

1 point of clarification. We did agree that we were
2 going to curtail the discussion at 10 o'clock so
3 people could get some sleep tonight. We got
4 basically 50 minutes left, and a large number of
5 folks who still want to speak haven't had a chance.
6 So, maybe if Glenn could conclude his --

7 GLENN DELANEY: I'm ready to
8 conclude. I have one more point to make, but I
9 don't want to cut off, because it's probably an
10 important point.

11 MODERATOR CHRISTOPHER ROGERS: Do you
12 want to respond to his last --

13 UNIDENTIFIED: (Inaudible.)

14 MODERATOR CHRISTOPHER ROGERS: Well,
15 you're still on the list, unless you want to respond
16 directly.

17 UNIDENTIFIED: Well, that may be the
18 case for me, but that's not necessarily the case for
19 these guys that came up here tonight and spent a lot
20 of time and effort wanting a fish to sell. And so
21 I'm speaking for myself. At this particular -- that
22 particular question to me, I'm not speaking for
23 them. I think that they need to have the
24 opportunity to sell a fish, if that's important to

1 them.

2 GLENN DELANEY: Very good.

3 MODERATOR CHRISTOPHER ROGERS: Let's
4 let the panel discuss that point a little bit.

5 UNIDENTIFIED: Thank you, Mr.
6 Chairman, and my comments will be brief. I only
7 wanted to make the point that perhaps that's an
8 option that we should not foreclose tonight and
9 pursue internally in North Carolina in the future.
10 Realistically, I would expect as strong if not a
11 stronger battle and resistance from the group that's
12 interested in maintaining their recreational quota
13 as we are receiving tonight from the New England
14 contingent in protecting their general category
15 quota. But it's an honest question that we probably
16 need to consider very carefully.

17 The problem or I think one of the
18 most important points is though, is that we have
19 parity in the recreational category with other
20 states, and we don't feel like we need to sacrifice
21 that parity to gain an equal opportunity or a fair
22 opportunity in the general category, which according
23 to our interpretation of the Magnuson Act, is
24 provided for us.

1 GLENN DELANEY: It was an honest
2 question and I think the pain that you would suffer
3 in pursuing that internally within the North
4 Carolina fishery is exactly the pain that you're
5 asking someone else in another fishery to bear. I'm
6 just trying to point that out, that -- you know,
7 fully perceive that that's what you're asking
8 someone to do. It's a zero sum game here this year.
9 It may not be a zero sum game when we come back from
10 ICCAT in November, but right now it's a zero sum
11 game. Somebody has to feel that pain.

12 UNIDENTIFIED: I live with pain every
13 day. There's not enough Ibuprofen in this room to
14 put aside what's awakened in me when I go to work,
15 but it's an honest question.

16 GLENN DELANEY: Talking about pain,
17 I've been involved with ICCAT since 1982 in one
18 capacity or another, and I have been an observer of
19 the U.S. bluefin tuna industry throughout this
20 rather torturous process that started in '82 when we
21 changed the entire management of the fishery. And
22 ever since that day, I've been watching that
23 industry try to change it back to what they perceive
24 as reality, and which science is now proving them

1 right.

2 I will just point out as having been
3 a close observer of this for the past 20 or 21 years
4 that there is a lot of blood on the bluefin tuna
5 floor. And frankly, you know, I could go into a lot
6 of reasons for that blood, but I would point out
7 that perhaps the only reason we even have a
8 commercial bluefin tuna fishery, or recreational for
9 that matter, are the very people that you're asking
10 to give up 15 percent of their living.

11 It wasn't very long ago that some
12 people in this room right now were advocating -- I
13 think they're still here -- maybe one has left --
14 were advocating that the bluefin tuna be listed as
15 an Endangered Species under the Endangered Species
16 Act. That's how far we've come in the last eight,
17 nine years, in our efforts to sustain a fishery in
18 the United States.

19 So, the history of what I think Rich
20 and some of the others were trying to convey to you
21 is a very, very powerful consideration in all of
22 this. And so I would not -- I know you don't take
23 it lightly at all, but I ask you to take it
24 extremely seriously and understand what these people

1 have been through and what they fought for and how
2 much they put into this and how difficult it's been
3 to maintain even what we have today. And that's
4 just on the domestic side. The efforts that have
5 gone into the international side have been also
6 extraordinary.

7 And I will last say that Peter Weiss
8 really brought up the key point, which was timing.
9 We are on the verge of having the fruits of 20 years
10 of labor by the northeast general category industry
11 primarily together with the purse seiners and
12 harpooners, those fruits finally realized at ICCAT
13 by perhaps having an opportunity to increase the
14 overall TAC in the western Atlantic, which the
15 United States would get -- you know, a predominant
16 share of, 57, 8 percent, I think -- 52 percent, and
17 provide substantial opportunities for fisheries in
18 the United States that we haven't had for 21 years.

19 So, the timing issue is not a small
20 thing, and I got a sense from what I heard from Rich
21 and others say is that we can work this out, maybe
22 not this summer, but if there's an ability for
23 everybody to sort of step back and look at the big
24 picture, there may be a wonderful opportunity for us

1 all to take advantage of those 20 years of efforts
2 to finally get an increase in the quota.

3 UNIDENTIFIED: I'll be very quick. I
4 wanted to go back to my earlier comment and
5 apologize to Rich, because I felt like that I should
6 thank him for the effort -- the working with us,
7 answering our phone calls, coming to see us, and
8 helping educate us on this issue, Rich, and I hope
9 you understand that we do deeply appreciate that.
10 And appreciate your time and your effort from
11 yourself and your organization.

12 A second thing I wanted to do was to
13 thank the people from North Carolina that came up
14 here tonight to give public testimony. I realize
15 it's their livelihood and they're deeply concerned,
16 but for them to take time away from their job to
17 ride on that bus and come all the way up here, I
18 just wanted to publicly thank those people and tell
19 them we really appreciate it.

20 And the last comment I wanted to make
21 was -- I mean, Glenn making a point about timing and
22 those issues are difficult, but under the general
23 category permit, if I understand it, you could walk
24 in tomorrow and buy a general permit and go out and

1 fish for bluefin tuna up in the northeast region.
2 And if that's true, then you know, it's difficult
3 for us I guess to kind of understand if that is
4 allowable process why then our fishermen can't join
5 in and be able to harvest or have this quota that
6 we're talking about. And I'm not just talking about
7 for North Carolina. I'm talking about this -- what
8 we call our subregion. Thank you.

9 UNIDENTIFIED: Thank you, Mr.
10 Chairman. I have a different perspective on the
11 history of this fishery. And as you well know, New
12 Jersey was at one time the bluefin -- giant bluefin
13 capital of the world, so they said. I mean, the
14 trap fishermen, they were catching them there. The
15 first Atlantic bluefin tuna tournaments were held
16 there. I caught my first giant bluefin in 1965, and
17 that was before the NMFS management regime. So, I
18 mean, we have a long history, but fisheries change.
19 We don't have that fishery anymore. We don't have
20 it in the mudhole. A few fish show up every year
21 and because of maybe warming ocean currents,
22 etcetera, the bottom's warmer, the whiting are not
23 there anymore, there's no forage for them, the fish
24 are moving.

1 And I think the Magnuson Act was put
2 together in the spirit of knowing that there you
3 have delegations from all different states that sit
4 on these resources committees, and they put it
5 together to give opportunity for fishermen up and
6 down the coast. And in that spirit, we are behind.
7 And I have members here from North Carolina that
8 came up here today. They are members of the RFA.
9 They fish in general category, they fish in charter
10 boats. They use recreational gear. They buy pen
11 130 internationals from Betty Hensey and her family
12 in Philadelphia, U.S. made. They buy other tackle,
13 which is sportfishing equipment. This is good. The
14 socioeconomic benefits of spreading this fishery up
15 and down the coast is a benefit to our industry.
16 And I don't care that they sell the fish. That
17 doesn't mean anything. They're catching it on good
18 gear, as far as I'm concerned. It's a rod and reel.
19 And they're catching within the quota, within the
20 law.

21 I think it's good. We support it.
22 The RFA is behind getting -- how you guys work your
23 markets out, that's your own -- I mean, I don't know
24 anything about the market. That's something you

1 need to do yourself. But I think giving them their
2 equitable share of a fishery, where we've shown that
3 we're willing to work with them on the angling
4 category and get that fishery going, and we don't
5 want to give up angling fish in the southern zone
6 and convert them into sellable fish. That's a
7 separate fishery.

8 And you know, let's try to give these
9 people their due fishery under the National
10 Standards that were created with a consensus by many
11 delegates of our Congressional delegation on both
12 houses. Thank you.

13 UNIDENTIFIED: Very briefly. It
14 seems to me that the real substantive issue that's
15 the most important in North Carolina is some
16 certainty that there will be fish available. I
17 understand the problems that we have with the quota
18 and the problems that we have splitting it up, and I
19 would suggest that at the very least if there was
20 some certainty that they might continue to get all
21 or some portion of the fish that serendipitously
22 have come their way in the last year or so that
23 might be a place to start, at least some portion of
24 that.

1 WILLIAM ETHERIDGE: I think the guys
2 on the bus have left, but I wanted to thank them,
3 too. I wanted to thank Jerry Schill for coming up
4 from the North Carolina Fisheries Association. And
5 my first comment is to Mr. Weiss. The North
6 Carolina delegation has helped with ICCAT problems,
7 especially -- I know for sure the ones I have voted
8 for have worked very hard, and I think some of your
9 ICCAT appointees would verify that.

10 Mr. Blakely made a statement that he
11 switched from the harpoon to the general category,
12 and I wanted to ask him was that possible for him to
13 do that. I guess you can answer that question for
14 me.

15 MODERATOR CHRISTOPHER ROGERS: Not
16 within a single fishing year. Basically your permit
17 category is determined for the fishing year. But
18 from one year to the next, you can change
19 categories. Unless he was referring to the fact
20 that you can use harpoon gear or rod and reel gear
21 with a general category permit.

22 WILLIAM ETHERIDGE: That's probably
23 what -- because I knew that you had taken the right
24 -- or the right from the longline incidental

1 category to switch to the general had been taken
2 from them. But is not possible to switch from the
3 harpoon category and fish under a general category
4 only with a harpoon, is that --

5 UNIDENTIFIED: (Inaudible.)

6 MODERATOR CHRISTOPHER ROGERS: Both
7 gear types are authorized within the general
8 category. General category hand line, rod and reel,
9 harpoon. Harpoon category obviously is dedicated
10 for harpoon gear.

11 WILLIAM ETHERIDGE: Chris, a question
12 for you is when a person receives a general category
13 permit, what does that entitle them to do?

14 MODERATOR CHRISTOPHER ROGERS: With
15 respect to bluefin tuna, they are restricted to fish
16 73 inches and above. It doesn't require that they
17 be sold, but they are eligible to be sold. With
18 respect to yellowfin tuna, they do not have the
19 three per person limit that applies to the
20 recreational fishery, because that's considered a
21 commercial permit, provided you abide by the minimum
22 size for yellowfin bigeye, there's no catch limit,
23 and it's sold to a licensed dealer.

24 WILLIAM ETHERIDGE: Is it a time

1 restriction on when they can fish?

2 MODERATOR CHRISTOPHER ROGERS: For
3 bluefin tuna, yes. It's highly structured with
4 respect to subquotas, monthly quotas, restricted
5 fishing days. Again, this regime was put in place
6 so that the fishery would be spread out over time,
7 as opposed to geographic subdivisions. The intent
8 was to allow the fishery to be conducted throughout
9 the migratory range of the fishery by slowing down
10 the catch rates and spreading out the fishing
11 opportunities across the season.

12 WILLIAM ETHERIDGE: Okay. It might
13 have been before your time, but why was the season
14 started on the 1st of June for bluefin tuna?

15 MODERATOR CHRISTOPHER ROGERS: It was
16 before my time, but luckily I have access to old
17 Federal Register Notices. It was established at the
18 1st of June because of the ICCAT recommendation on
19 the no directed fishery in the spawning area, and it
20 was presumed that all fish would be outside of the
21 Gulf of Mexico at that point in time, by June 1st.

22 WILLIAM ETHERIDGE: So, it was done
23 for spawning purposes. Does the science still show
24 that that's why it should be open? I mean, is there

1 any reason now to not open it the 1st of January?

2 MODERATOR CHRISTOPHER ROGERS: Well,
3 there's --

4 WILLIAM ETHERIDGE: Has the science
5 changed?

6 MODERATOR CHRISTOPHER ROGERS: --
7 certainly other means of ensuring that there's no
8 directed fishery in the spawning area. If it was
9 determined that there was spawning off of North
10 Carolina, that would be another issue. But
11 presuming that the only viable spawning area, at
12 least known at this time, is in the Gulf of Mexico,
13 on this side of the ocean, that you could preclude
14 directed fishery from occurring in the Gulf of
15 Mexico while still allowing it to occur outside the
16 Gulf of Mexico.

17 WILLIAM ETHERIDGE: Can a person with
18 a general category permit catch a tuna in the Gulf
19 when the season is open?

20 MODERATOR CHRISTOPHER ROGERS: No.
21 There's no directed fishery. A general category
22 permit is considered directing on bluefin tuna.

23 WILLIAM ETHERIDGE: So, I'd just like
24 to ask Rich or Peter Weiss a question. What kind of

1 effect would it have on your fishermen if a season -
2 - the members of your association or organization,
3 if the season was to open the first of January?
4 Your members, the people that support your group.

5 RICHARD RUAIS: Respond to that. You
6 mean, Willie, if the general category opened on
7 January 1? I guess it would depend upon how much
8 quota was available at that point in time and how
9 much was caught between then and the time that the
10 fishery ordinarily originates up in New England.

11 So, I don't think it's safe to make
12 the assumption that they're all going to pack it up,
13 and/or give up what they're currently doing at that
14 time to move to some other location to get into the
15 fishery at that time. That's not the traditional
16 way they participate and they may have to give up
17 some other opportunities, to the extent that there
18 are other opportunities and they're engaged in them.

19 WILLIAM ETHERIDGE: (Inaudible) we'd
20 have had a solution, because if it was open the 1st
21 and there was a quota put -- if it was open on the
22 1st of January, it would -- you know, I mean, 1,015
23 or 1,000 plus permits in New England, general
24 category permits, could fish in North Carolina.

1 I know that the \$1,060 or whatever it
2 was fee is very expensive, but I just thought that
3 -- you know, I know on the buying end, on the
4 financial side of it, the buying end of the bluefin,
5 I don't know of any North Carolina dealer that got
6 to buy any of the bluefin that were caught.

7 So, as a fish dealer, it's not an
8 incentive for me to -- or I can't really see any
9 incentive for me to try to get a whole lot more fish
10 caught down there. But to try to be fair and
11 equitable, which we always go back to that, and it's
12 in there, and to not do anything to take any fish
13 from somebody else and be able to solve the problem
14 -- if the season was open the 1st of January,
15 everybody would have the same access to catch the
16 fish and I just thought that it might be an easy
17 way.

18 I know it wouldn't be a real popular
19 way, but I think it would be fair and equitable, and
20 I would hope that -- I'm sure that their two
21 organizations probably would lose some income,
22 because more of the fish would be caught by members
23 that was -- or weren't a member of their
24 organization. And I know that they gain their

1 financing from a percentage or a cost per pound of
2 fish.

3 But fair and equitable would fit in
4 the picture, if it was to open the 1st of January
5 instead of the 1st of June. And I know it's not
6 popular and I know it probably won't get me any free
7 drinks downstairs tonight, but it would be -- you
8 know, and I always -- every time when I get talking
9 to the public and I hear the word fair, I always go
10 back to that teacher I had in seventh grade and that
11 would tell me through life I would never -- I would
12 find out that nothing is fair. And boy, he had some
13 premonition about me serving on this committee.
14 Thank you.

15 RICHARD RUAIS: Chris, if I could
16 just finalize my point.

17 MODERATOR CHRISTOPHER ROGERS:
18 (Inaudible.)

19 RICHARD RUAIS: And I just wanted --
20 I wanted to finish up my comment to Willie back --
21 there would be a couple of other issues involved.
22 Number one, December/January would not be a good
23 time for the general category fleet, if you will, to
24 make the trip from New England somewhere south.

1 It's just not a great time to be doing that.

2 Second, most of the boats or a lot of
3 those boats are out of the water at that time, as
4 well. They just -- they don't stay in the water
5 year-round. And the third thing that I just thought
6 of quickly was in my one quick day down in Morehead
7 City and around New Bern in what I think is the dead
8 of your season down there, I certainly didn't see
9 1,000 open slips anywhere.

10 UNIDENTIFIED: Just to follow up on a
11 couple comments. Do you want to finish --

12 RICHARD RUAIS: I would, thank you.
13 There were a few other things that I wanted to say.
14 Louis earlier was -- I was really interested in his
15 presentation. I thought it was really well done and
16 professional, and I was intrigued with the
17 historical stuff dating back to the '60s on the
18 catches, and I just wanted to point out for him that
19 there are records of Indians tomahawking bluefin
20 tuna caught in tidal pools off of Maine.

21 So, we have a little history and
22 there was a very active harpoon fishery throughout
23 the 1800's for bluefin, for various reasons, some of
24 it eating, some of it for -- and then I'm sure we

1 also had the dory fishermen for codfish both in the
2 Gulf of Maine, Georges Bank and up on Grand Banks
3 had quite a history in this fishery, as well.

4 And of course once in the 19th, 20th
5 century, New England is where the fishery was -- New
6 England and I would say New Jersey, as well. I
7 think Jimmy's right. Some of the earliest purse
8 seining took place in there, as well. So, a lot of
9 different areas can make that kind of argument.

10 In terms of the most lucrative
11 market, and I heard several of you commenting upon
12 that, we've gone through that issue and that's one
13 area where Peter and I have battled, and my members
14 have battled over that issue. And you can always
15 find -- try to find good arguments to do that, but
16 typically what you find is that the highest prices
17 come when the landings are the lowest, the point
18 that Glenn was trying to make. And whenever you
19 find the lowest landings, somehow they don't stay
20 the lowest landings for very long.

21 And I would point out to you that
22 this year alone there's 12,000 metric tons in the
23 farms in the Mediterranean. And they stay out of
24 the market a bit in October because they see the

1 production from New England, and New England has to
2 put the fish on that market because we're not in the
3 farming business. They hold the fish for this
4 November, December, January, the winter marketing,
5 because that's when they have more -- they at least
6 know that the Boston bluefin is not available.

7 The other thing -- you didn't
8 understand what I was saying because I didn't make
9 it very clear about not having two fisheries in New
10 England. There was a time when the general category
11 was not defined as a commercial fishery, and general
12 category fishermen -- and I don't know the exact
13 date. I've forgotten it. But it was sometime
14 either in the early '90s or late 1980's when a rule
15 came out and actually made that definition when
16 there was a big debate going on about what is a
17 commercial fishery or not.

18 And at that time, general category
19 fishermen during that time, you could not only catch
20 the giant, but you could get large schoolies, you
21 could get anything down to the 15 pound ICCAT
22 minimum size. And those fish were taken in New
23 England.

24 So, the general category was a quasi-

1 recreational, quasi-commercial category at that
2 time. NMFS made a determination at one point, and
3 we didn't object to it, we didn't like losing the
4 sale of those fish, to define the general category
5 as commercial. So, we are -- anybody that's in the
6 general category that can't qualify for the
7 charter/party status, is defined as a commercial
8 fisherman and can't have fish under 73 inches.

9 UNIDENTIFIED: Well, I guess my point
10 -- and one thing I wasn't sure about, and it would
11 be more of a question, but I wonder are tuna or wild
12 fish worth more than a pen-raised fish, and are they
13 like salmon? I know that sometimes a wild salmon
14 brings more than the pen raised.

15 My other couple of points is there
16 are 3,000 charter head boat permits, and I certainly
17 don't think those 3,000 are in North Carolina. So,
18 there is some double-dipping going on somewhere
19 besides North Carolina. I don't know if that's days
20 off or what, but that was another -- in response to
21 a comment.

22 And I guess the unlimited permits --
23 and by that I mean -- Wayne could call up tomorrow,
24 he may already have one, and get a bluefin tuna

1 permit and go get involved in the fishery. And I
2 know that's got to be frustrating to Rich and East
3 Coast and certainly to Peter. You know, to -- I
4 mean, here's a fishery that's only so big and you
5 might have 10,000 new entrants in it this year. So,
6 it's a tough -- it's a tough place. But any rate, I
7 just wanted to point out those things. Thank you.

8 UNIDENTIFIED: Thank you, Chris. Am
9 I the last one here in this particular -- this
10 segment?

11 MODERATOR CHRISTOPHER ROGERS:
12 (Inaudible) Nelson.

13 UNIDENTIFIED: Okay. Well, Nelson
14 doesn't count. I'll still -- just I assume Glenn
15 was being facetious and trying to make a point with
16 his redistribution of the North Carolina angling
17 category 38 metric tons or 38 percent, whatever it
18 was, into general category fish. Because the
19 caution there, of course -- first, they'd be crazy
20 to do it, because they have an excellent
21 recreational community and they have an argument,
22 whatever the end result will be, for equity up and
23 down the line, and that's amongst themselves. I'm
24 not really -- you know, going to get into that.

1 But just remember this. Right now
2 the angling category, as Chris pointed out, is
3 dividing into a north/south scenario, with 52
4 percent to the south, now 48 to the north. And if
5 you were to take 38 metric tons, 38 percent,
6 whichever it is, of a segment of that southern
7 fishery, you're not going to redistribute the
8 northern 48 percent in half again and give it to the
9 south so they have the continuum of an equitable
10 48/52.

11 We're going to keep our own fish in
12 the north, if there's any conversion of the southern
13 quota into a general category quota, just -- I mean,
14 we'll fight like the devil about that. So, you
15 know, forget that for a moment.

16 And I have to talk to poor Rich,
17 because he was a little perturbed earlier, and I
18 assume it's over that new organization up in New
19 England. And there's an old saying what goes around
20 comes around.

21 I heard the name Bill Henchley. Is
22 that the same Bill Henchey who was once a member of
23 East Coast Tuna, and has belonged to Massachusetts
24 Audubon and had a lawsuit to close out the angling

1 category up and down the east coast? My God. Okay.

2 Well, there is a God and you don't
3 really deserve that, Rich. You've done a good job.
4 You tried very hard. But what the heck, I have to
5 throw something in it. Thank you, gentlemen.

6 UNIDENTIFIED: (Inaudible) but the
7 answer is Joe missed his calling. He's asked
8 several questions here and not one of them he didn't
9 know the answer. He should have been a lawyer.

10 UNIDENTIFIED: It's pretty bad when
11 it's been around so long that some of the folks at
12 the head of the table weren't around when things
13 were occurring. But I don't know what the Federal
14 Register says, but I know the primary reason that
15 the dates were changed from January 1 to June 1 was
16 because as ICCAT became more and more complex and
17 taking on more and more species and issues,
18 etcetera, it became absolutely impossible for the
19 National Marine Fisheries Service to put out the new
20 rules between the November Commission meeting and
21 the January 1 start of the fishery.

22 We started getting into a
23 circumstance where our fishermen were being managed
24 under retroactive rulemaking. We would finally get

1 a rule out, and like June, July, you know, August,
2 whatever, and it would change everything that had
3 happened from January to that time. It was called
4 retroactive rulemaking. And it wasn't working very
5 well and it had to be changed, and businesses just
6 simply could not operate under that circumstance.
7 But that was the reason that it went from January 1
8 to June 1. And I'm sure that you probably did not
9 put that in the Federal Register.

10 MODERATOR CHRISTOPHER ROGERS: That
11 was the change in the fishing year that was done as
12 a part of the FMP process. But prior to that time,
13 the June 1 start date for the general category
14 fishery was in existence. Even though the fishing
15 year -- the fishing year was defined as beginning
16 January 1, the angling category was open -- the
17 incidental catch category was open as of January 1
18 under the calendar fishing year, but the general
19 category season did not start -- or the harpoon
20 category until June 1. But two separate issues
21 there. One was the season start date, one was a
22 fishing year account.

23 All right. Do we have any
24 (inaudible) Wayne Lee and Preston Pate.

1 WAYNE LEE: I'd like to respond to
2 Rich's Indians with the tomahawk and that is that
3 we've started developing a new fishery down in
4 Hatteras this summer, and we had a recreational
5 angler rope a bluefin that was caught in the surf
6 right close to the beach. So, that's -- we're
7 starting a new technique down there, Rich.

8 UNIDENTIFIED: (Inaudible.)

9 UNIDENTIFIED: Is that an authorized
10 gear?

11 WAYNE LEE: Be a new fishery. I
12 would accept that. The other comment I wanted to
13 make about our recreational fishery is that
14 Professor Robert Didden came down and did a study on
15 the social and economic impact of a charter fishery
16 on North Carolina, the Hatteras area. I don't
17 remember the precise dollar figure, I think it's
18 close to -- it was about 4 million dollar industry,
19 and that's the fishing industry that Rom and a lot
20 of these other people are in. So, it's a very
21 important industry in terms of the money that it
22 generates for our community.

23 PRESTON PATE: Thank you, Chris. I
24 was hoping to have the last word. So, maybe it will

1 be and we can move on to something else. The last
2 word on this issue, I should say.

3 I'd really like to thank everyone
4 again for the opportunity of bringing this before
5 the AP and the time that we've devoted has been a
6 sacrifice for us all. I had no expectations to come
7 here tonight or what would have been today, and find
8 this idea to be totally embraced without debate and
9 some level of acrimony. Nothing is that easy in our
10 world, unfortunately, and we're always battling
11 other interests and competing interests in most
12 everything that we do, and that's just the nature of
13 our business.

14 But this is an extremely important
15 issue for North Carolina's fishermen and North
16 Carolina's coastal economy, and we felt like we
17 could not miss this opportunity to once again raise
18 the issue with the group in the hopes that where we
19 didn't expect consensus, we would at least get some
20 voice of support and understanding of our needs so
21 that when the agency goes about its business to
22 follow this up with the annual specifications,
23 you'll know that it's not totally an unfounded
24 request and hopefully will satisfy our needs to some

1 extent. Again, thanks to everyone around the table
2 for your comments tonight.

3 MODERATOR CHRISTOPHER ROGERS: Have
4 we exhausted the general category discussion? Do we
5 need to continue for 20 minutes on potential issues
6 for the harpoon or purse seine category? Or do you
7 want to call it a night? I see Rich wants to speak.

8 RICHARD RUAIS: I don't want to buck
9 the tide, but I don't think that I've done an
10 adequate job yet on the purse seine question. It is
11 very important.

12 Glenn made the case for research and
13 the angle there is that we want to get the purse
14 seine boat up to New England from July 1 to July
15 15th, at least to do the contract research tagging,
16 and the vessel will need to be able, if there is any
17 mortality, to be able to count the fish against its
18 quota and to make it financially doable. It doesn't
19 make sense to go back to New Jersey or anywhere
20 else.

21 And this has been a -- you know, a
22 strong -- a situation the last several years where
23 we're crowding too much of the total commercial
24 quota to be caught in a 60-day period. And there's

1 a lot less of the catch coming in right now in the -
2 - in July. And it makes sense in our view to
3 recognize this kind of evolution in the fishery and
4 have regulatory changes that respond to that.

5 And other times, the purse seiners
6 would focus in on the yellowfin tuna fishery in June
7 and July, and there's an obvious concession there to
8 our friends in the angling community to stay away
9 from that fishery and this would also help allowing
10 the purse seine season to start earlier, around July
11 15th. It would help provide some marketing --
12 better marketing opportunities that don't currently
13 exist right now. And so I would like to see that in
14 the specifications or the proposed rule when it
15 comes out this year. And taken to public hearings
16 and we'll be there at all the public hearings to
17 make the case.

18 MODERATOR CHRISTOPHER ROGERS: Looks
19 like we have a show of hands for further discussion
20 here. Again, we'll have a cutoff at 10 o'clock.
21 So, I've got Joe, Jim, Glenn and Nelson. And Peter.

22 JOSEPH MCBRIDE: Very quickly, Rich,
23 you're saying bring up -- I assume -- you said
24 Jersey, you're bringing the White Dove up to do the

1 research. That's fine. And I assume you're going
2 to net these fish and leave them in the water and
3 tag them and not bring them aboard, check out the
4 biggest ones, throw the rest, something like that.
5 All right.

6 Now, what's that boat going to do for
7 the rest of the year and what about the other purse
8 seine boats? Do they want to start fishing in June,
9 also? And how does -- I mean, I don't really care.
10 It's the general category -- you know, vis-a-vis the
11 purse seiners and the money fish, but those are
12 questions we should ask and get an answer to, I
13 think.

14 RICHARD RUAIS: Yes, the other boats
15 want the option of taking opportunities from July
16 15th on --

17 JOSEPH MCBRIDE: All through the
18 season?

19 RICHARD RUAIS: Well, from July 15 --
20 starting the season one month earlier than has been
21 from August 15th to July 15th, to catch some of
22 their quota in that earlier month, and then
23 obviously continue their fishery until they're done,
24 as every other user group does.

1 JOSEPH MCBRIDE: All right. I know
2 in --

3 RICHARD RUAIS: I'll let Glenn talk
4 about --

5 JOSEPH MCBRIDE: -- the past there
6 have been some conflicts at the end of the season.
7 There used to be a complaint that the power of the
8 purse seiners was so great up in New England when
9 they set on the gear, and National Marine Fisheries
10 would close the rod and reel fishery or the general
11 category fishery so it wouldn't interfere, one with
12 the other. But that's -- you know, either hearsay
13 or politics or whatever.

14 The other thing is what are these
15 boats going to do now? Let's say they start fishing
16 in July 15th and there's a paucity of fish. Are
17 they going to go back to the yellowfin in our area?
18 We're going to have those wars of video cameras
19 checking to see who's catching this fish and that
20 fish and all that nonsense went on and hasn't gone
21 on for years. That's -- and I'm speaking now
22 specifically on behalf of the angling category.

23 RICHARD RUAIS: No, I believe the
24 last time that there was any catch of yellowfin tuna

1 by a purse seiner was early 1990's, if I'm not
2 mistaken, '94, '95 maybe. And there has been a very
3 obvious effort -- there's an informal agreement with
4 RFA and others to stay out of the yellowfin tuna
5 fishery for as long as that agreement holds, and
6 mutual support exists.

7 So, I don't see them going back into
8 the yellowfin tuna fishery. Three of the boats are
9 combination tuna purse seiners and Atlantic sea
10 scallopers, when they're done tuna fishing --

11 JOSEPH MCBRIDE: I was going to ask
12 you what are they going to do. They used to be --
13 they'd fish for the -- what we call the mush mouths,
14 what the hell they call -- the actual name, the
15 bonita -- skipjacks. And you know, whether they
16 were catching them or catching something else
17 depending who you spoke to -- you know, one of the
18 stories of the past. We haven't seen it in a while.
19 We really don't need that type of controversy, you
20 know, during the summer months if we can avoid it.
21 And you know, that would be one of the
22 considerations.

23 UNIDENTIFIED: (Inaudible.)

24 JOSEPH MCBRIDE: (Inaudible) I'm

1 getting too old, though, Rich.

2 JAMES DONOFRIO: Thank you, Mr.
3 Chairman. I would implore upon the agency to
4 accommodate the purse seine industry with their
5 changing markets and all the other things that Rich
6 has mentioned before, so they can fully utilize
7 their quota. And also it's a benefit -- it's a
8 benefit to the recreational community that they
9 utilize it, because as Rich said, we do have an
10 informal agreement that they will stay away from the
11 yellowfin tuna, which is really our primary tuna
12 fishery for the recreational sector.

13 So, we want them to utilize the ICCAT
14 quota to its fullest, and we'd like the agency to
15 accommodate their needs so they can, because I know
16 last year they did not use it. Thank you.

17 GLENN DELANEY: I wanted to recall
18 some of the discussions we had up in Gloucester last
19 week, and it seemed to me that Mike was also
20 pointing out that one benefit of being able to start
21 earlier would be that they could spend more of their
22 time further offshore, away from sort of interacting
23 in the Cape Cod Bay area in particular, which was
24 very -- has been very, very contentious, where when

1 the purse seiners are pushed up against the end of
2 the season, weather start deteriorating rapidly,
3 they're not sure if they're going to be able to fish
4 -- you know, for the remainder of the season.

5 I mean, that's how the weather can
6 change up there, as you well know. They find
7 themselves in Cape Cod Bay pursuing fish, and there
8 is not gear conflict, but certainly a sense of
9 sector conflict going on in a rather limited area of
10 the ocean, and that this would relieve that type of
11 highly contentious conflict that's developed over
12 the years. Is that -- am I remembering that right,
13 Rich? So, that's just one other consideration for
14 NMFS to make in opening up that fishery earlier.

15 UNIDENTIFIED: (Inaudible) I can hold
16 it for tomorrow, if you want.

17 MODERATOR CHRISTOPHER ROGERS:
18 (Inaudible.)

19 UNIDENTIFIED: Yeah, maybe I'll be
20 the last one. I just want to thank the members of
21 this panel who sat here last year and one of the few
22 issues we reached consensus on was to ban the
23 airplanes, if you can remember that little
24 discussion. We've just gone through the best tuna

1 season we've had, the least contentious tuna season
2 we've had in 2001. 99 percent of the fishermen were
3 quite happy. And the fellows who caught the fish
4 with the -- who harpooned the fish with the
5 airplanes the previous season happened to catch them
6 all again this season, but how they did it, we don't
7 know. It was quite -- you know, whatever they did
8 it was fine with us.

9 But on behalf of the fishery, I want
10 to thank all the members here who sat on this panel
11 last year and listened to all this stuff and voted,
12 and again, the only -- one of the few issues we had
13 consensus on, to ban these planes which was a very
14 good thing to do. Thank you.

15 MODERATOR CHRISTOPHER ROGERS: Okay.
16 Well, thank you all for spending an evening with the
17 National Marine Fisheries Service. I thought
18 Nelson, you said you would take this tomorrow
19 perhaps? Right.

20 UNIDENTIFIED: (Inaudible) and the
21 eastern bluefin tuna, so that can go under
22 miscellaneous.

23 MODERATOR CHRISTOPHER ROGERS: We'll
24 start tomorrow morning as scheduled with bycatch

issues at 8:30 a.m.

WHEREUPON:

THE MEETING WAS SUSPENDED

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

I, PAUL T. WALLACE, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of the audiographic tape taken in the above entitled matter to the best of my knowledge, skill and ability.

In witness whereof, I have set my hand and Notary Seal this 8th, day of July, 2002.

PAUL T. WALLACE. Notary Public
My Commission Expires
October 3, 2008

THIS FOREGOING CERTIFICATION OF
THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION
OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT
CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.